THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Saturday, the 1st February 1936.

The House met at eleven of the clock, Mr. President (the Hon. Mr. B. RAMACHANDRA REDDI) in the Chair.

PRESENT:

Reddi Nayudu, *Kt.* The Hon. Rai Bahadur Sir K. V.
Pannirselvam, The Hon. Rao Bahadur A. T.
Souter, K.C.I.E., C.S.I., I.C.S., The Hon. Sir Charles.
Bracken, C.S.I., C.I.E., I.C.S., The Hon. Mr. G. T. H.
Raja of Bobbili, K.C.I.E., The Hon. the.
Rajan, The Hon. Mr. P. T.
Kumaraswami Reddiyar, The Hon. Diwan Bahadur S.
Abdul Hameed Khan Sahib Bahadur.
Ahmed Meeran Sahib Bahadur.
Alamelumangathayaramma, Mrs. K.
Annamalai Chettiyar, Mr. S. A. A.
Appadurai Pillai, Diwan Bahadur A.
Arasu, Mr. V. T.
Ari Gowder, Mr. H. B.
Basheer Ahmed Sayeed Sahib Bahadur.
Basu Dev, Mr. C.
Beyabani Sahib Bahadur, S. M. K.
Bhanoji Rao, Sri. A. V.
Boag, C.I.E., I.C.S., Mr. G. T.
Devadasan, Mr. M.
Dharmalingam Pillai, Rao Sahib V.
Foulkes, Mr. G. F. F.
Gopalaswami Mudaliyar, Diwan Bahadur M.
Harischandrudu Nayudu, Mr. A.
Indrayya, Mr. C.
Iswaran Pillai, Mr. I. C.
Jagannatha Raju, Rao Bahadur G.
Jagannatham, Mr. H. M.
Javad Hussain Khan Sahib Bahadur, Khan Bahadur.
Jayaram Nayudu, Rao Sahib C.
Jones, I.C.S., Mr. C. E.
Kesavaramamurti Nayudu, Mr. K.
Kolanda Reddi, Rai Sahib C.
Krishnamurti, Rao Bahadur D.
Krishnan, Mr. C.
Kumararaja of Venkatagiri, The.
Langley, Mr. W. K. M.
Madanagopal Nayudu, Mr. R.
Maharaja of Parlakimedi, The.
Manikkavelu Nayakar, Mr. M. A.
Moidoo Sahib Bahadur, Khan Bahadur T. M.
Moses, Mr. P. C.
Muhammad Meera Ravuttar Bahadur, K. P. V. S.
Muniswami Pillai, Rao Sahib V. I.
Muthiah Chettiyar of Chettinad, Raj Kumar M. A.
Muthu Chettiyar, Rao Bahadur P. C.
Nachiyappa Gounder, Mr. K. A.
Nadimuthu Pillai, Mr. A. Pl. N. V.
Nanjappa Bahadur, Rao Bahadur Subadar-Major S. A.
Narasa Reddi, Mr. T.
Narasimhaswami, Rao Sahib D. V.
Natesa Mudaliyar, Diwan Bahadur C.
Palat, Mr. R. M.
Parthasarathi Ayyangar, Mr. C. R.
Patnaik Mahasayo, Sriman M. G.
Patro, K.C.I.E., Rao Bahadur Sir A. P.
Pattabhiramayya, Mr. K.
Peddi Raju, Mr. P.
Pocker Sahib Bahadur, B.
Premayya, Mr. G. R.
Rajagopala Pillai, Mr. P. V.
Ramakrishna Reddi, Mr. A.
Ramalingam Chettiyar, Diwan Bahadur T. A.
Ramalinga Reddi, Mr. C.
Ramamurti, Rao Sahib Pandit Ganala.
Raman Menon, Mr. K. P.
Ramaswami Ayyar, Mr. T. S.
Ramaswami Mudaliyar, Mr. V. M.
Rameswara Rao, Mr. G.
Ranganatha Mudaliyar, Mr. A.
Rangaswami Reddi, Mr. M. B.
Ratnasabhapati Mudaliyar, Diwan Bahadur C. S.
Reid, Mr. D. M.
Rukmani Lakshmipathi, Mrs. A.
Russell, I.C.S., Mr. T. B.
Schamnad Sahib Bahadur, Khan Bahadur Mahmud.
Scott Brown, I.C.S., Mr. W.
Sesha Reddi, Rao Bahadur B. P.
Shetty, Mr. A. B.
Siva Raj, Rao Sahib N.
Smith, Mr. J. M.
Sreshta, Mr. M. S.
Srinivasa Ayyangar, Mr. T. C.
Srinivasan, Diwan Bahadur R.
Sriramulu, Mr. G.
Subbarayan, Dr. P.
Subrahmanya Bhatt, Mr. U. C.
Sundara Rao Nayudu, Mr. T.
Syed Tajuddin Sahib Bahadur, Khan Sahib.

PRESENT—*cont.*

Thangal, Mr. P. M.
Uzielli, C.I.E., I.C.S. Mr. H. R.
Vasudeva Pillai, Mr. V. G.
Vedachala Mudaliyar, Rao Sahib M.
Venugopal Nayudu, Rao Bahadur R. K.
Yahya Ali Sahib Bahadur, Khan Bahadur.
Yakub Hasan Sahib Bahadur.
Zamindar of Bodinayakkanur, The.
Zamindar of Kirlampudi, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Excise

Advantages of the grouping system of toddy shops.

* 671 *Q.*—Mr. K. A. Nachiyappa Gounder: Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) what the names are of the toddy shops that are brought under the group system at Salem;

(*b*) what the amount of sale fetched by each of those shops was in each year for the past five years ending with 1934–35;

(*c*) what the sale amount of the group for the current year is;

(*d*) for what special reasons this sort of grouping has been made and what are the advantages and disadvantages of this system;

(*e*) in how many places in this Province such a system has been adopted and what those places are;

(*f*) what the net income or loss is in each of those places when compared to the income from those shops during the previous year;

(*g*) how many shops, each of such groups contains; and

(*h*) when was this system of grouping brought in?

A.—(*a*) Five toddy shops in Salem town and ten rural toddy shops adjoining them were disposed of in one group for a period of two years from 1st October 1935. The Government have no information as to the names of the shops.

(*b*) The average monthly rental of these shops for the last five years was Rs. 29,555. The Government have no other information.

(*c*) Rupees 32,000 per mensem.

(*d*) The attention of the hon. Member is invited to the answer to clause (*a*) of question No. 470 answered on 5th November 1935.

(*e*) So far as the Government are aware, shops were also sold in groups in the towns of Bellary and Kurnool.

(*f*) The sale by groups resulted in an increase in rental of about Rs. 35,000 in each of the places mentioned in clause (*e*).

(*g*) The Government have no information.

(*h*) It has been a recognized method since 1896.

1st February 1936]

Mr. A. RANGANATHA MUDALIYAR :—" Sir, in answer to clause (h), it is said that it has been a recognized method since 1896. Am I to understand, Sir, that it was given effect to all these years or only recently adopted? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" The Commissioner has been given discretion to adopt this method whenever local conditions require it.

Mr. A. RANGANATHA MUDALIYAR :—" Had it been so adopted before last year? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" I think so, though I have no specific information."

Diversion of toddy tapped for one shop to another.

* 672 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER : Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) whether the toddy tapped from trees marked for a particular shop can be taken to other shops for sale and if so, under what authority;

(*b*) whether it is a fact that the group shop contractor at Salem has been permitted to take the toddy tapped from trees marked for certain shops in the group to Bangalore;

(*c*) if so, whether a copy of the permission and licence granted in the matter will be placed on the table;

(*d*) whether such a permission is usually given or whether this is a novel procedure; and

(*e*) if novel, what the special reasons are for this deviation?

A.—A report has been called for.

Mixing of toddy for shops under the grouping system.

* 673 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER : Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) whether the toddy tapped from trees marked for a particular shop can be mixed up with toddy from trees specifically marked for other shops, and then a general distribution made to various shops as demands arise day by day;

(*b*) whether this method can be adopted ordinarily or whether any special permission is required for doing so; and

(*c*) whether it is a fact that such a practice is followed at the group shops at Salem and permission has been granted therefor?

A.—A report has been called for.

Excise duty on homœopathic medicines imported from Bengal.

* 674 *Q.*—Mr. G. RAMESWARA RAO : Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) whether any excise duty is being levied on import of homœopathic medicines from Bengal into our Presidency;

[29th January 1936

Government Press

Sale price of Acts published by the Government.

* 543 *Q.*—Mr. G. Rameswara Rao: Will the Hon. the Home Member be pleased to state—

(*a*) whether there is any scale fixed for the sale price of Acts published by the Government of Madras; if so, what is the scale and how and on what data the price of publications is regulated;

(*b*) whether it is the Government's policy to keep the laws enacted at the disposal of the public at the lowest cheap rates possible;

(*c*) whether it is a fact that the price of a copy of the District Municipalities Act is fixed at Rs. 2–4–0, whereas a copy of the Government of India Act is priced only at Re. 1; if so, what are the reasons for the difference in price; and

(*d*) whether the Government propose to fix a flat rate for all Government publications, especially Acts of the legislature regulated by the size of the publication and make these easily accessible to the public?

A.—(*a*) & (*b*) The selling price of a publication is ordinarily calculated to the nearest suitable even figure by dividing the press cost by the full number of copies printed and adding a percentage to cover the commission paid to selling agents. Special prices irrespective of cost are however fixed for Acts, Bills, Proceedings of the Legislative Council, etc. The rates charged for Madras Acts in octavo size are as follows:—

Number of pages.	RS.	A.	P.
1	0	1	0
2	0	1	3
3	0	1	6
4	0	1	9
5	0	2	0
6	0	2	3
7	0	2	6
8	0	2	9
9	0	3	0
10	0	3	3
11	0	3	6
12	0	3	9
13	0	4	0
14	0	4	3
15	0	4	6
16	0	4	9
17	0	5	0
18 to 20	0	5	6
21 to 23	0	6	0
24 to 26	0	6	6
27 to 29	0	7	0

TRUTH ALONE TRIUMPHS

29th January 1936]

Number of pages.	RS.	A.	P.
30 to 32	0	7	6
33 to 36	0	8	0
37 to 42	0	9	0
43 to 48	0	10	0
49 to 54	0	11	0
55 to 60	0	12	0
61 to 66	0	13	0
67 to 72	0	14	0
73 to 80	0	15	0
81 to 88	1	0	0

And 2 annas for each additional sheet of 16 pages, or portion of a sheet.

(*c*) The prices fixed for the Acts are as stated in the question. The difference in price is due to the different basis adopted by this Government and the Government of India for fixing the sale price of Acts.

(*d*) The answer to clauses (*a*) and (*b*) will show that the Government have already fixed flat rates for Madras Acts, regulated by the size of the publication. The Acts are already easily accessible to the public.

Mr. G. Rameswara Rao:—"May I know whether the Madras Government work out the price of their publication on a different basis from that followed by the Government of India and whether there is any proposal to adopt the Government of India rates?"

The Hon. Rao Bahadur A. T. Pannirselvam:—"Our rates are not higher than those of the Government of India."

Mr. G. Rameswara Rao:—"The Government of India Act costs only Re. 1 whereas the Local Boards Act of this Province is priced at Rs. 2 though it is half in size. The cost amounts to four times that of the Government of India Act."

The Hon. Rao Bahadur A. T. Pannirselvam:—"We cannot generalize from one instance. The principle on which the Government of India charge is the net cost plus 50 per cent distributed over the number of copies published; so, the cost of each copy depends very much on the number of copies actually printed; obviously Government of India publications have a very much larger sale than the local publications; therefore ultimately they can sell their publications cheaper. I do not think the Madras rate is in any way higher than the Government of India rate."

Mr. G. Rameswara Rao:—"May I know if we might not adopt the basis on which the Government of India publications are sold?"

The Hon. Rao Bahadur A. T. Pannirselvam:—"The basis is the net cost of printing plus 50 per cent; that seems to be the rate adopted by the Government of India. As far as our ordinary

[29th January 1936

publications are concerned, the rate is the net cost plus a certain percentage in order to cover the commission we give to the various sellers; as far as Acts and the proceedings of the Legislative Council are concerned, special rates are adopted to make them cheaper. I do not think that, by our adopting the Government of India rate, we shall be able to sell the publications at a lesser cost than we are now able to do."

Irrigation

Progress of the Palar Enquiry Committee.

* 544 *Q.*—Mr. M. B. Rangaswami Reddi: Will the Hon. the Member for Revenue be pleased to state—

(*a*) whether the Palar Committee has concluded its labours;

(*b*) if not, at what stage its enquiries are; and

(*c*) whether the Mysore Government have given the information called for?

A.—The attention of the hon. Member is invited to the answer given to question No. 713, dated 25th February 1935. The Mysore Government have since furnished certain statistics. These have been referred to the Chief Engineer for Irrigation for examination and report. The Chief Engineer's report is awaited.

Mr. V. M. Ramaswami Mudaliyar:—" May I ask whether the Palar Committee will be given an opportunity to examine the statistics and the report of the Chief Engineer on the statistics? "

The Hon. Sir Charles Souter:—" I will see after I get the report from the Chief Engineer."

Mr. V. M. Ramaswami Mudaliyar:—" When is the report likely to be received from the Chief Engineer? "

The Hon. Sir Charles Souter:—" I have no idea."

Mr. V. M. Ramaswami Mudaliyar:—" In view of the long delay and in order to enable us to come to a final conclusion, may I know whether the Government would ask the Chief Engineer to expedite the submission of his report? "

The Hon. Sir Charles Souter:—" I should prefer that the Chief Engineer should examine these statistics carefully."

Alleged silting up of the tanks in the Palar Anicut System in the North Arcot district.

* 545 *Q.*—Mr. V. M. Ramaswami Mudaliyar: Will the Hon. the Member for Revenue be pleased to state—

(*a*) the various tanks in North Arcot in the Palar Anicut System and the class under which they are classified, and the length of supply available;

29th January 1936]

(b) whether it is a fact that several of these tanks have become silted with the consequent result that the storage capacity has diminished; and if so, to what extent; and

(c) whether it is a fact that in the chain of tanks referred to above, the Kaveripakkam tank and the Mamandur tank have silted and that they had gone dry constantly?

A.—(a) There are nearly 240 tanks in the system in North Arcot district, and the preparation of a statement to supply the information asked for would involve an expenditure of time and labour which cannot be justified.

(b) The Government have no information.

(c) During the budget debate, in March last, a reference was made to the condition of these two tanks. The Government are awaiting a report from the Chief Engineer for Irrigation on the point.

Mr. A. RANGANATHA MUDALIYAR:—" Are there any orders that minor irrigation tanks should be inspected at least once every year and a report sent to the Collector as to their condition?"

The Hon. Sir CHARLES SOUTER:—" Notice, Sir."

Scheme, if any, for improving irrigation in Kollegal.

* 546 *Q.*—Diwan Bahadur T. A. RAMALINGAM CHETTIYAR: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the Government are aware that Kollegal has been suffering very badly for the last few years for want of timely rains;

(b) whether they are aware that the tanks in the taluk have not had sufficient supply of water during the last five years;

(c) whether the Government have any scheme to secure a proper and sufficient supply of water to the tanks; if so, in what stage it is; and

(d) whether the Government have any irrigation schemes in Kollegal included in the programme; if so, in what stage they are?

A.—(a) The Government are aware that there was scarcity of rainfall in the Kollegal taluk at the end of the year 1934. From the latest weekly season reports the Government also observe that more rain is needed in certain taluks of the Coimbatore district including Kollegal.

(b) The Government have no information.

(c) & (d) The hon. Member presumably refers to the special accelerated and widespread programme of improvements to minor works sanctioned by Government in April last. The entire sum of Rs. 10,000 allotted to the Coimbatore district in the current year, will be spent on repairs and improvements to the tanks in Kollegal taluk. A statement [a] showing the list of tanks proposed to be improved is annexed. In addition to these works, gaugings are being taken in connexion with the Uduthorahalla scheme.

[a] Printed as Appendix II on page 120 infra.

Investigation of the Hebballa Reservoir scheme and the Hebballa Diversion scheme in the Kollegal taluk.

* 547 *Q.*—Diwan Bahadur T. A. RAMALINGAM CHETTIYAR: Will the Hon. the Member for Revenue be pleased to state whether the Government have been investigating the Hebballa Reservoir scheme and the Hebballa Diversion scheme in the Kollegal taluk; if so, in what stage they are?

A.—The two schemes were investigated and estimates were prepared in 1928. It was found that the Hebbahalla (Hebballa) Reservoir scheme was unremunerative and that it could not be considered even as a famine relief work and that the diversion scheme would not improve the existing supply. The schemes were therefore dropped in 1929.

Propaganda among ryots in regard to the Lower Bhavani Project.

* 548 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Member for Revenue be pleased to state—

(*a*) whether meetings of ryots are convened by the revenue authorities with a view to elicit opinion or do propaganda about the Lower Bhavani Project;

(*b*) if so, how many such meetings have so far been held and in which of the places;

(*c*) how many ryots attended each of those meetings, and what opinion did they express; and

(*d*) at what stage the programme of construction of the Lower Bhavani Project now is and when it is to be launched?

A.—(*a*) A Special Revenue and Public Works Department staff is touring in the project area with a view to select lands for inclusion in the ayacut and for obtaining consent statements from the ryots agreeing to pay the water-rates fixed.

(*b*) & (*c*).—The Government have no information.

(*d*) The attention of the hon. Member is invited to the answers given to questions No. 875, dated 13th March 1935, and No. 155, dated 8th August 1935.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I ask whether the opinion expressed by the ryots of the area will be placed on the table of this House?"

The Hon. Sir CHARLES SOUTER:—"I may inform the hon. Member that, as soon as the report is received, it will be gone into; it will be placed on the table of the House, if necessary."

29th January 1936]

Diversion of the Wuppawagu river into the Chigrala Kutwa under the Cumbum tank, Kurnool district.

* 549 *Q.*—S. M. K. Beyabani Sahib Bahadur: Will the Hon. the Member for Revenue be pleased to state—

(*a*) whether it is a fact that estimates are ready to divert the Wuppawagu river into the Chigrala Kutwa under the Cumbum tank (Kurnool);

(*b*) when the work will be executed;

(*c*) whether the ryots concerned with the Kutwa have given an undertaking to contribute half the cost; and

(*d*) if so, how the Government propose to collect this amount from the ryots?

A.—(*a*) No. The scheme was partly investigated but was dropped by the local officers as it was considered that it might affect the interests of the ryots owning lands lower down.

(*b*) *to* (*d*) Do not arise.

S. M. K. Beyabani Sahib Bahadur:—"May I know how the interests of the ryots lower down will be affected?"

The Hon. Sir Charles Souter:—"If I understand the hon. Member aright, he asks how the ryots lower down will be affected; obviously by getting less water."

S. M. K. Beyabani Sahib Bahadur:—"I wish to know whether the interests of the ryots lower down were actually affected?"

The Hon. Sir Charles Souter:—"All I can say is that the ryots down below have objected."

Proposals for the augmentation of the supply to the Dusi-Mamandur and Radhapuram tanks, North Arcot.

* 550 *Q.*—Mr. M. B. Rangaswami Reddi: Will the Hon. the Member for Revenue be pleased to state—

(*a*) the amount of remission of land revenue granted for the ayacutdars under the Dusi-Mamandur tank in Wandiwash taluk and Radhapuram tank in Chengam taluk of North Arcot district for the last ten faslis; and

(*b*) whether the Government have any scheme to augment the supply to the tank?

A.—The Government have no information regarding these tanks.

[29th January 1936

Land Revenue Administration

Alleged irregular assignment of certain communal lands in the Udipi taluk, South Kanara.

* 551 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Member for Revenue be pleased to state—

(*a*) whether it is a fact that Achaladi Hola in Udipi taluk was conserved by the public of the four villages of Achaladi, Bannadi, Vaddarse and Kanady for manure and grazing purposes from time immemorial;

(*b*) whether it is a fact that the said waste land has been assigned for individuals in contravention of the public right; and

(*c*) what the policy of the Government is with reference to the assignment of communal lands like these in South Kanara?

A.—(*a*) & (*b*) The Government have no information.

(*c*) There is no special policy in regard to assignment of land which is used for communal purposes. The attention of the hon. Member is invited to B.S.O. No. 15 for the general rules regarding assignment of land and to paragaraph 40 of the same Board's Standing Order for the modifications in these rules in their application to South Kanara. A copy of the Board's Standing Order is available in the Council Library.

Mr. U. C. SUBRAHMANYA BHATT:—"In view of the serious hardship caused to the four adjoining villages on account of the de-communalization of this waste land, may I know whether the Hon. Member will call for the information and place it on the table of the House?"

The Hon. Sir CHARLES SOUTER:—"I have no information, Sir, whether what the hon. Member says is correct or incorrect."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"May I know whether by thus conserving the waste land, the ryot does not get a right over the land?"

The Hon. Sir CHARLES SOUTER:—"I would ask the hon. Member to refer to the second part of the answer (*c*)."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether the information will be called for?"

The Hon. Sir CHARLES SOUTER:—"It would I think, Sir, save much time, if the hon. Member represented the case to the Collector and the Board of Revenue."

Wireless Installations

Proposal to open radio stations in rural parts.

* 552 *Q.*—Mr. BASHEER AHMED SAYEED: Will the Hon. the Member for Finance be pleased to state whether it is a fact that the Government propose to open about 85 radio stations outside Madras in rural parts?

A.—Some receiving sets and loud speakers may, if funds permit, be provided by this Government in a limited number of towns and large villages within effective receiving range of the Government of India's medium wave station when it is established.

Mr. BASHEER AHMED SAYEED:—"May I ask whether the scheme has made any progress and at what stage the scheme stands to-day?"

The Hon. Mr. G. T. H. BRACKEN:—"I had some discussion about this matter in Delhi when I was there; the Government of India British Broadcasting Expert has just arrived and after consultation with him I hope that some definite progress will be made."

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"May I know whether it is the intention of the Government to open radio stations in towns and municipalities first?"

The Hon. Mr. G. T. H. BRACKEN:—"The British Broadcasting Expert is expected to come to Madras and after consultation with him, it will be possible to give a more definite answer."

Local Self-Government

Consultation with the District Collector and the Finance Department prior to the bifurcation of a district board.

* 553 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether the District Collector concerned and the Finance Department of the Government are consulted before the bifurcation of each district board;

(*b*) if so, what remarks each of them offered in regard to the bifurcation of Tanjore, Ganjam, Vizagapatam, Guntur and North Arcot District Boards; and

(*c*) whether copies of them will be placed on the table?

A.—The Government are not prepared to furnish the information.

Mr. K. A. NACHIYAPPA GOUNDER:—"It is stated that the Government are not prepared to furnish the information. May I know what difficulties there are in doing so?"

The Hon. the RAJA OF BOBBILI:—"It is confidential and in public interests, it cannot be published."

B. POCKER SAHIB Bahadur:—"What is the real objection to furnish the simple answer to clause (*a*) of the question whether the District Collector concerned and the Finance Department were consulted before the bifurcation of these district boards?"

The Hon. the RAJA OF BOBBILI:—"There is no particular rule that the District Collector should be consulted. Whenever we want any special information on the main question of bifurcation, we call for the information."

[29th January 1936

Mr. A. Ranganatha Mudaliyar:—" I am not asking for any information which the Government may have; I want to know what the procedure that is normally followed is in such cases before a decision is arrived at?"

The Hon. the Raja of Bobbili:—" Each case is examined by various departments of Government."

Mr. Basheer Ahmed Sayeed:—" Will the Hon. the Minister be pleased to state whether the Government did or did not consult the District Collector and the Finance Department in the case of the bifurcation of the district boards of Tanjore, Ganjam, Vizagapatam, Guntur and North Arcot?"

The Hon. the Raja of Bobbili:—" I am not prepared to answer."

11-15 a.m. Mr. T. S. Ramaswami Ayyar:—" May I know where this vicious circle is going to take us? Will it take us to the policy of introducing the taluk boards?"

The Hon. the Raja of Bobbili:—" I am not aware what the hon. Member means by 'vicious circle'."

Proposals for amalgamation of two district boards for the purpose of trifurcation.

* 554 *Q.*—Mr. K. A. Nachiyappa Gounder: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether there are proposals to combine two district boards and then divide them into three district boards; and if so, what they are and what the reasons therefor are;

(*b*) if so, whether there are any proposals to introduce such a combination and division anywhere in this province; and what the districts are which are to be experimented upon in this way; and

(*c*) what the special reasons are for such a course?

A.—(*a*) No.

(*b*) & (*c*) Do not arise.

Mr. K. A. Nachiyappa Gounder:—" May I ask whether such a course was ever contemplated?"

The Hon. the Raja of Bobbili:—" No such proposal was contemplated by the Government."

Mr. K. A. Nachiyappa Gounder:—" My question is whether such a course was ever contemplated?"

The Hon. the Raja of Bobbili:—" I have already answered the question."

29th January 1936]

Re-shuffling of the electoral circles of the South Arcot District Board.

* 555 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that the electoral circles of the South Arcot District Board are proposed to be changed for the coming elections, from what had been fixed at the time of elections to that district board during 1932;

(*b*) if so, what the reasons therefor are;

(*c*) whether it is a fact that revenue firkas were adopted as units of district board electoral circles at the time of elections in 1932, and that no firka was allowed to be split as a general policy in this district and elsewhere;

(*d*) if so, by whom such a policy was laid;

(*e*) what remarks the Inspector of Local Boards offered on such a policy, and what orders the Government passed on such a policy; whether the remarks of the Inspector of Local Boards, and the orders of Government in the matter will be placed on the table;

(*f*) whether it is a fact that the revenue firkas are not taken as the electoral unit, and that a few villages of a certain firka and a few villages of some other firka are put together to form a district board circle in that district for the coming elections; and

(*g*) if so, what the reasons are for such a change?

A.—(*a*) There has been a re-division of the South Arcot District Board electoral circles in supersession of the original division ordered in 1932.

(*b*) As the original division of electoral circles resulted in an unequal distribution of voters among the circles, the district board urged a re-division of the electoral circles and submitted proposals for the removal of the inequalities.

(*c*) Yes.

(*d*) & (*e*) No such policy was laid down officially.

(*f*) Yes.

(*g*) Revenue firka as a basis of division into circles had to be given up, in order to avoid the defects mentioned in answer to clause (*b*) above.

Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask whether this plea of unequal distribution did not exist and was not considered at the time of the 1932 elections? "

The Hon. the RAJA OF BOBBILI:—" I think it was not considered."

Mr. V. T. ARASU:—" May I know whether it is a fact that the Board itself passed a resolution suggesting re-shuffling of the circles and whether their recommendations were followed by the Government? "

The Hon. the RAJA OF BOBBILI:—"The recommendations of the district board are in the main followed by the Government. Whenever proposals are made, they are published for eliciting opinion and further information is obtained. And if any changes have to be made, they are made and then the proposals are confirmed."

Mr. K. KOTI REDDI:—"May I know whether this principle now adumbrated for the benefit of this House and for future Governments that electoral circles have been reconstituted for the removal of inequalities in the voting strength has been followed in the case of all the district boards in the Presidency or in all cases in respect of the South Arcot District Board itself?"

The Hon. the RAJA OF BOBBILI:—"As far as possible, whenever such a course is considered necessary, the district board is consulted."

Mr. K. KOTI REDDI:—"May I take it that the Government will set right such inequalities only when they consider it necessary for their purpose and not as a matter of policy or principle?"

The Hon. the RAJA OF BOBBILI:—"Whenever such a matter is brought to the notice of the Government, they fully consider the question on its merits."

Mr. K. A. NACHIYAPPA GOUNDER:—"In reply to clause (*c*) of the question, 'whether it is a fact that revenue firkas were adopted as units of district board electoral circles at the time of elections in 1932' it is said 'Yes.' May I ask what tangible reasons the Government have for meddling with that principle now?"

The Hon. the RAJA OF BOBBILI:—"The answer to clause (*b*) says that 'as the original division of electoral circles resulted in an unequal distribution of voters among the circles, the district board urged a re-division of the electoral circles'."

Reasons for the variation of the number of villages constituting the electoral circles of the South Arcot District Board.

* 556 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state what are the reasons for the variations in the number of villages constituting each of the electoral circles proposed to be formed for the coming elections to the South Arcot District Board?

A.—Attention is invited to the answer given to clause (*b*) of question No. 555.

Re-shuffling the constituencies of the South Arcot District Board.

* 557 *Q.*—Mr. P. RATNAVELU THEVAR: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) on what date the notification terminating the life of the present District Board of South Arcot was issued and from what date the Board was to cease to function;

29th January 1936]

(*b*) whether any proposals were received from the District Board for a fresh delimitation of the district board constituencies;

(*c*) on what date the proposals, if any, from the District Board were received;

(*d*) on what principles the Board's delimitation proposals were based, and whether Government will kindly place the papers on the table of the House; and

(*e*) what orders were issued by the Government on the proposals of the Board, and when they were issued?

A.—(*a*) The notification was published in Part I-A of the *Fort St. George Gazette*, dated 12th November 1935. According to this notification, the term of the existing members of the South Arcot District Board expires on the noon of 31st December 1935.

(*b*) Yes.

(*c*) The proposals were received by the Government on 24th July 1935.

(*d*) Attention is invited to the answer to clause (*b*) of question No. 555. The Government are not prepared to place the papers on the table.

(*e*) The proposals were approved by the Government in G.O. No. 3680, L. & M., dated 10th September 1935, with a few modifications.

Reasons for the decision of the Government per contra *to the resolutions of the South Kanara District Board.*

* 558 *Q.*—Mr. A. B. Shetty: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether any of the resolutions of the South Kanara District Board passed at the special meeting held last month (as desired by the Government) in regard to the proposals of the Inspector of Local Boards have been accepted; and

(*b*) if not, what reasons weighed with the Government in coming to a decision contrary to the resolutions of the board?

A.—(*a*) The suggestion of the South Kanara District Board regarding the splitting of the old Kasaragod circle was accepted.

(*b*) The Government are not prepared to give the reasons for not accepting the other suggestions made by the district board.

Mr. A. B. Shetty:—"May I know whether it is not a fact that Government declined in the first instance to accept any of the proposals of the board regarding the regrouping of the circles?"

The Hon. the Raja of Bobbili:—"When a proposal has been made by the Inspector and after further representations are received, the Government consider the proposal and if it is desirable, they confirm it."

[29th January 1936

Mr. Basheer Ahmed Sayeed:—" May I know why the Government are not prepared to give the reasons for not accepting the recommendations of the district board? "

The Hon. the Raja of Bobbili:—" The Government considered that the Inspector's proposal was sound."

Re-shuffling of the elctoral circles of the South Kanara District Board.

* 559 *Q.*—Mr. K. A. Nachiyappa Gounder: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether the circles of the South Kanara District Board have been re-shuffled now;

(*b*) what the reasons are for the re-shuffling;

(*c*) whether the district board was consulted in the matter; and

(*d*) what opinion did they express and whether a copy of their resolution in the matter will be placed on the table?

A.—(*a*) Five of the old circles were split into two new circles each.

(*b*) The old circles referred to were allotted two non-reserved seats each, which was against the general policy of Government.

(*c*) Yes.

(*d*) The district board stated that it had no sufficient time to consider the proposals. The Government are not prepared to place a copy of the resolution on the table of the Council.

Mr. K. A. Nachiyappa Gounder:—" In answer to clause (*b*), the Government say that 'the old circles referred to were allotted two non-reserved seats each, which was against the general policy of Government.' May I ask whether this general policy was not taken into consideration at the time when the circles were originally formed during the elections of 1932? "

The Hon. the Raja of Bobbili:—" This question was then considered; but the final proposals were received by the Government too late to be given effect to in the last elections."

Mr. K. Koti Reddi:—" May I know what the general policy is that the Government have been following with regard to the reservation of seats? "

The Hon. the Raja of Bobbili:—" I am afraid this question does not really deal with reservation of seats. It refers to the splitting up of the old circles. The general policy of the Government is that there should be single-seat constituencies as far as the general seats are concerned. In this case, there were dual-member constituencies."

29th January 1936]

Mr. K. A. Nachiyappa Gounder:—" May I ask what difficulties there are in placing a copy of the resolution of the district board on the table of this House, when it is a public matter?"

The Hon. the Raja of Bobbili:—" I think the decision of the district board was published and will be available."

Filing of claims and objections to the preliminary electoral rolls of the South Kanara District Board.

* 560 *Q.*—Mr. A. B. Shetty: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether after the publication of the preliminary electoral rolls for the District Board in South Kanara, a number of claims and objections were received by the election officer; and

(*b*) whether they were later on returned as being not in the proper form and fresh dates were fixed for sending them in?

A.—(*a*) Yes.

(*b*) Originally the Inspector of Municipal Councils and Local Boards fixed a programme of dates for the various stages in the preparation of electoral rolls for the district board. Claims were presented by the parties concerned and some of these claims were in the form of lists, instead of in the prescribed form. In consequence of the proposal to split five of the old circles of the district board, the programme was cancelled and a fresh programme was fixed. Only such of the claims already presented, as were not in the prescribed form and as did not furnish all the particulars necessary for filling up the form were returned to the parties concerned with instructions to prefer their claims in the proper form.

Mr. A. B. Shetty:—" May I know why the election officer accepted claims which were not in the prescribed form?"

The Hon. the Raja of Bobbili:—" It is mentioned in the answer here. The returns had to be re-presented in the prescribed form."

Mr. A. B. Shetty:—" May I know whether the claims were not presented to the election officer in the form of lists according to his own instructions?"

The Hon. the Raja of Bobbili:—" I cannot give such details. As far as I know, they were all returned with instructions to be re-presented in the proper form."

Mr. U. C. Subrahmanya Bhatt:—" May I know whether all claims were admitted and whether the question of the truth or otherwise of the claims was gone into?"

The Hon. the Raja of Bobbili:—" I presume the election officer and the appellate authority did go into each case on the merits."

[29th January 1936

Number of claims filed and admitted to the preliminary electoral rolls of the South Kanara District Board.

* 561 *Q.*—Mr. A. B. Shetty: Will the Hon. the Minister for Local Self-Government be pleased to state the total number of new names claimed to be added to the preliminary list of electors for the South Kanara District Board this year and of the claims admitted by the Election Officer?

A.—Total number of claims for inclusion of new names in the electoral roll	55,916
Total number of claims admitted by the Election Officer	48,850

Mr. A. B. Shetty:—"May I know the total number of voters in the preliminary rolls?"

The Hon. the Raja of Bobbili:—"I am afraid the information is not available with the Government."

Mr. Basheer Ahmed Sayeed:—"May I ask whether the Government are investigating the question as to why there has been such a large omission, especially when, 48,850 out of 55,916 claims had to be admitted?"

The Hon. the Raja of Bobbili:—"The total number of claims was 55,916, while the number admitted was 48,850. This is not the first instance where many qualified voters had been found to be omitted in the preliminary rolls."

Mr. A. Ranganatha Mudaliyar:—"May I know who was responsible for the preparation of the electoral rolls so carelessly in the first instance, and what action the Government have taken in regard to the conduct of that officer?"

The Hon. the Raja of Bobbili:—"I think it is impossible to prepare these rolls accurately in the first instance, because in many cases the revenue accounts and other accounts would not be up to date at the time the preliminary roll is prepared. These rolls are prepared by the district election officer."

Mr. K. A. Nachiyappa Gounder:—"From the figures given here, may I ask whether the Government realize that they must take some steps to avoid such careless preparation of rolls in the future?"

The Hon. the Raja of Bobbili:—"Without a complete investigation it will not be wise on my part to say that it has been carelessly prepared. Moreover, when claims are received from duly qualified people, it is the duty of the officers to consider them."

Mr. A. Ranganatha Mudaliyar:—"Am I to understand the answer of the Chief Minister to mean that the omission of such a large number is due to the fact that the election officer or the officer who prepared the electoral rolls was not furnished at the time with revenue accounts, etc., regarding the registration of the land?"

The Hon. the RAJA OF BOBBILI :—" I am not speaking with particular reference to this district; generally it is found that after the preparation of the electoral rolls, many changes have to be made."

Alteration of the reserved seats of the Tinnevelly District Board.

* 562 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that the reservation of seats in the Tinnevelly District Board has been altered; and

(*b*) if so, what the alterations made are and what the reasons are for each of such alterations?

A.—(*a*) Yes.

(*b*) The number of seats reserved for Muslims was raised from two to three and that of seats reserved for women reduced from two to one. The Government considered that Muslim community deserved an additional reserved seat on account of their numerical strength.

Mr. K. A. NACHIYAPPA GOUNDER :—" May I ask whether this question of adequate representation of the Muslim community was not considered in the year 1932? "

The Hon. the RAJA OF BOBBILI :—" I cannot say whether it was considered or not; but from time to time representations have been made to me that the Muslim representation was inadequate. I considered that their claims were reasonable and the Government have finally decided to increase the number."

S. M. K. BEYABANI SAHIB Bahadur :—" May I know from the Hon. the Chief Minister whether similar representations have been received from the Muslims in regard to the other districts of the Presidency? "

The Hon. the RAJA OF BOBBILI :—" Representations have been received from time to time; but I cannot say from how many districts."

Mr. K. A. NACHIYAPPA GOUNDER :—" We find here that the representation given to women has been reduced to one seat. May I ask whether it is the opinion of the Government that women have been over-represented till now? "

The Hon. the RAJA OF BOBBILI :—" There is no over-representation in a special constituency. The Act lays down that the number of reserved seats should not exceed 25 per cent of the total number of general seats, and so the Government had to cut down the number of reserved seats by one for giving representation to one community. They thought this was the desirable course to adopt."

Mr. M. A. MANIKKAVELU NAYAKAR :—" May I ask the Hon. the Chief Minister whether he is not aware that woman is a force to be reckoned with? "

[29th January 1936

Location of polling stations outside municipal limits for electors to District Board Elections resident in municipal area.

* 563 *Q.*—Mrs. A. Rukmani Lakshmipathi: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that voters for the district board elections who reside within municipal limits are called upon to record their votes only at polling stations outside the municipal areas;

(*b*) whether the attention of the Government has been drawn to the serious inconvenience caused to the electors by such a procedure; and

(*c*) what steps have been taken or are proposed to be taken by the Government to remedy the same?

A.—(*a*) Yes.

(*b*) A complaint was received about the alleged inconvenience.

(*c*) Attention is invited to item (i) of the draft amendments to the rules for the preparation of electoral rolls for local boards published in Local Self-Government Department Notification No. 1244 of Part I-A of the *Fort St. George Gazette*, dated 15th October 1935.

Mrs. A. Rukmani Lakshmipathi:—"Will the Hon. the Chief Minister be pleased to state what exactly the difficulty is in locating polling stations within the municipal limits, having regard to the inconvenience caused to voters? Will he consider the desirability of removing the polling stations into the municipal areas?"

The Hon. the Raja of Bobbili:—"I couldn't hear the question fully, but I think the position is that municipalities are outside the area of jurisdiction of the district boards. From the outset, Government have been following the principle that polling stations should not be in any place which is not within the jurisdiction of the district boards."

Mr. A. Ranganatha Mudaliyar:—"Is there any objection in law to the polling stations being put in the municipal areas?"

The Hon. the Raja of Bobbili:—"As the matter is not free from doubt, I shall have it examined."

Mr. G. Rameswara Rao:—"Sir, I have a copy of the draft notification in my hands, but I don't think that will meet the situation. I am not aware of any principle of jurisprudence which says that voters should go anywhere for voting instead of voting at convenient stations."

The Hon. the Raja of Bobbili:—"I cannot understand what principle of jurisprudence is involved in this question. The point is whether a polling station should be located only within the area of jurisdiction of the district board; as far as possible, we shall see that they are conveniently situated, so as to cause the least inconvenience to the voters."

Mr. C. Ramalinga Reddi :—" May I point out to my hon. Friend that this jurisdiction means almost nothing, seeing that the polling officers are not appointed by the district boards and the conduct of the election is not in the hands of the district boards? That being the case, may I know whether he will not consider the desirability of having these polling stations in the municipal areas, so that a large number of voters may not be put to unnecessary inconvenience?"

The Hon. the Raja of Bobbili :—" I have already promised to consider the legal aspect, to see that polling stations are situated as conveniently as possible."

Mr. V. T. Arasu :—" May I know whether the Hon. Minister is aware of the fact that in certain districts polling stations were fixed within municipal areas, for instance in Conjeeveram, in the Chingleput district?"

Diwan Bahadur T. A. Ramalingam Chettiyar :—" In fact even the district board offices are in the municipal limits."

The Hon. the Raja of Bobbili :—" I am not aware of the case quoted by Mr. Arasu. I shall look into the question."

Polling arrangements for elections to the Tinnevelly District Board.

* 564 *Q.*—Mr. P. Ratnavelu Thevar : Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that in respect of the forthcoming elections to the District Board of Tinnevelly no polling centres have been located within the municipal limits of Tinnevelly;

(*b*) which is the nearest place at which voters resident in the Tinnevelly Municipality can record their votes;

(*c*) what is the distance of that polling centre from the municipality;

(*d*) whether all municipalities in the districts in which the district board elections are pending have been thus deprived of polling centres within their own limits; and

(*e*) if the reply to the above question is in the negative, which municipalities have thus been deprived and which have not?

A.—(*a*) Yes.

(*b*) & (*c*) There are three polling stations, Tenpathu, Manimurtiswaram and Kandiaperi, situated on the neighbourhood of the Tinnevelly municipal limits and one Thoppayamadam Chatram at a distance of about a mile from the said limits.

(*d*) & (*e*) No district board polling centre is situated in a municipality.

[29th January 1936

Nominations to the District Boards of Tanjore East and Tanjore West.

* 565 *Q.*—Mr. K. A. Nachiyappa Gounder: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that nominations have been made to the West Tanjore District Board;

(*b*) if so, when;

(*c*) what the names and addresses are of each of such nominated members and to which community each of them belongs;

(*d*) how many members holding reserved seats are serving on the West Tanjore District Board after the bifurcation of the Tanjore District Board was made, and what those reserved seats are;

(*e*) when the bifurcation was made and when the nominations were ordered for the East Tanjore District Board; and

(*f*) what the reasons are for postponing the nominations for the West Tanjore District Board so far, and ordering them now?

A.—(*a*) Yes.

(*b*) & (*c*) The attention of the hon. Member is invited to the notification published in the *Fort St. George Gazette*, dated 15th October 1935. The communities of the nominated persons are:—

Anglo-Indians,
Indian Christians,
Adi-Dravidas, and
Non-Brahman Hindu (Women).

(*d*) Six. Three were reserved for Adi-Dravidas, one was reserved for Muslims, one for Indian Christians and one for Women.

(*e*) On 17th December 1934 and 22nd January 1935.

(*f*) The Government are not prepared to give reasons.

Mr. K. A. Nachiyappa Gounder:—" With regard to clause (*f*), the Government say that they are not prepared to give reasons. May I ask what difficulties there are in giving the information? "

The Hon. the Raja of Bobbili:—" The Government considered that more time was necessary for coming to a decision on the point."

Mr. Basheer Ahmed Sayeed:—" Do I understand that because there are no reasons for the Government to give, they are unprepared to give reasons? "

The Hon. the Raja of Bobbili:—" The Government thought it was desirable to give representation to the minority community."

29th January 1936]

Protests against the proposal of the East Tanjore District Board to purchase a new site for the Board High School, Tiruturaipundi.

* 566 *Q.*—Mr. K. A. Nachiyappa Gounder: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that the East Tanjore District Board is contemplating the purchase of a new site for the Board High School at Tiruturaipundi, and whether any representation has been made to the Government by the public of the place protesting against such proposal; and

(*b*) if so, what action has been taken thereon?

A.—(*a*) Yes.

(*b*) The petition was transferred to the Director of Public Instruction.

Religious and Charitable Endowments

Representation in regard to the management of Sri Karpanathaswami temple under the control of the Negapatam Temple Committee.

* 567 *Q.*—Mr. K. A. Nachiyappa Gounder: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether the Government have received any representation from one K. Ramaswami Pillai of Tiruturaipundi regarding the management of Sri Karpanathaswami temple under the control of the Negapatam Temple Committee; and

(*b*) if so, what action has been taken by the Government thereon?

A.—(*a*) No.

(*b*) The question does not arise.

Agriculture

Alleged superfluous staff in the Agricultural department.

* 568 *Q.*—Mr. M. B. Rangaswami Reddi: Will the Hon. the Minister for Public Works be pleased to state—

(*a*) the necessity for 19 Deputy Directors of Agriculture for supervising the work of 195 agricultural demonstrators;

(*b*) the need for the creation of temporary post of Assistant Director of Agriculture;

(*c*) the nature of work of Research Engineer of Agriculture and the necessity for a Special Research Engineer of Agriculture;

(*d*) why there should be a Millet Specialist;

(*e*) how the work of the Millet Specialist has improved the growth or the quality of the millet in the presidency; and

(*f*) the necessity for assistant research officers while there are 55 research assistants?

[29th January 1936

A.—(*a*) There are only eight Deputy Directors of Agriculture in charge of circles. In addition to the control of propaganda and demonstration work, Deputy Directors are also responsible for the experimental work carried on in the Research Stations of their circles and for the administration of the entire circle of which they hold charge.

(*b*) Presumably the hon. Member refers to the temporary Assistant Director provided for in the Civil Budget Estimates for 1935–36 under 'B Superintendence' (page 345). There is no permanent Assistant Director for Coimbatore district. A temporary Assistant Director has been appointed to give the necessary assistance to the Deputy Director, Coimbatore circle, to enable him to devote sufficient time to certain agricultural experiments in connexion with the investigation of the Lower Bhavani Project.

(*c*) The Research Engineer is carrying out research on agricultural implements and machinery, and these items of research require a special Research Engineer.

(*d*) The Millet Specialist is a crop specialist in charge of research work on cumbu, ragi, cholam, tenai and other millets which are the staple food crops of the dry taluks in this Presidency.

(*e*) A note on the subject is appended.[a]

(*f*) Assistant Research Officers are required to assist the heads of Research Sections in the detailed supervision of the work of assistants, in order to enable the experts to devote their attention to the organization and general administration of research work.

11-30 a.m. Diwan Bahadur A. APPADURAI PILLAI:—"May I know, Sir, whether the statement made in clause (*a*) of the question is correct, and, how the figure 19 instead of 8 Deputy Directors of Agriculture found a place in the budget estimate?"

The Hon. Mr. P. T. RAJAN:—"8 is correct; I am not aware how the figure 19 crept in."

Mr. T. S. RAMASWAMI AYYAR:—"May I know, Sir, whether the Hon. Minister is aware of the fact that the ordinary ryot is none the better for all the researches that are carried on by the department, because the results thereof are only preserved in the archives of the research offices?"

The Hon. Mr. P. T. RAJAN:—"I do not agree with the suggestion of the hon. Member."

Diwan Bahadur A. APPADURAI PILLAI:—"With reference to the answer to clause (*c*), namely 'The Research Engineer is carrying out research on agricultural implements and machinery,' may I know what

[a] Printed as Appendix III on page 121 infra.

29th January 1936]

the nature is of the research that is being carried on by the Research Engineer? Is it the intention of Government to revolutionize the agricultural implements?"

The Hon. Mr. P. T. RAJAN:—"The improvement of ploughs, water lifts and things of that kind are being attended to by the Research Engineer."

Diwan Bahadur A. APPADURAI PILLAI:—"Is it not the duty of the ordinary Deputy Directors, instead of the special officer to attend to this work?"

The Hon. Mr. P. T. RAJAN:—"The engineering aspect of the matter is attended to by the Engineer, and sales and so on are attended to by Deputy Directors."

Recruitment of Agricultural Demonstrators since 1930.

*569 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Public Works be pleased to state—

(*a*) how many Agricultural Demonstrators have been recruited in each year since 1930;

(*b*) what the communitywar and districtwar strength is in each year; and

(*c*) what the number is of vacancies that occurred in each of the years?

A.—(*a*) & (*b*) Thirty-six agricultural demonstrators have been recruited since 1930. Of these, ten were promoted from the Lower Subordinate service and the rest were direct recruits. A statement [a] giving particulars of the demonstrators recruited during the years 1930–35 according to the community and district is enclosed.

(*c*) The number of vacancies of agricultural demonstrators that occurred in each of the years since 1930 is given below:—

Year.	Permanent vacancies.	Temporary vacancies continued from.
1930	8	..
1931	..	..
1932	..	6
1933	..	9
1934	1	9
1935	27	14
Total ..	36	38

Mr. G. R. PREMAYYA:—"In the answer it is stated that only 36 demonstrators have been recruited since 1930; of these only 10 have been promoted from the Lower Subordinate Service whereas the other 26 have been recruited direct. May I know whether it is not a fact that there is dissatisfaction in the Subordinate Service in regard to this?"

a Printed as Appendlix IV on page 122 infra.

The Hon Mr. P. T. Rajan:—" Certain number of posts are reserved for promotion from the Lower Subordinate Service, and certain number for direct recruitment."

Mr. G. R. Premayya:—" It seems only ten are promoted and no more?"

The Hon. Mr. P. T. Rajan:—" Yes, as I have already stated, certain number of vacancies are reserved for promotion from the Lower Subordinate Service and certain others for direct recruitment."

Special varieties of seeds for famine zones.

*-570 Q.—G. Rameswara Rao: " Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any special seeds for dry and wet crops have been developed so as to withstand the fickle weather of the famine zone;

(b) if so, what they are and whether they are available in any depots for sale in Anantapur district; and

(c) if they are not available in Anantapur, whether they can be got elsewhere before the next sowings commence?

A.—(a) Special seeds for dry crops have been evolved by the Department of Agriculture to withstand the weather conditions of the famine zone. As regards wet crops no weather-proof variety has so far been isolated.

(b) & (c) (1) *Ragi strain E.C.* 593 may be grown in paddy lands when water is not sufficient for a paddy crop. It is also about ten days shorter in duration than the local ragi and has done well in Hindupur and Kadiri taluks, giving a 20 per cent increase in yield over the local variety of ragi. In adverse seasons the yield is not likely to fall below the normal. Over 30,000 lb. of this seed are in stock in the Central Farm, Coimbatore, and are available for sale.

(2) *K.* 23 is a local selection of korra. Though still in the experimental stage, small quantities of this selected seed will be available for sale from depots in Bellary and Anantapur districts during the ensuing season.

(3) *The Saloum variety of groundnut* is resistant to drought. Seeds may be obtained from the Oil Seeds Specialist, Coimbatore, or the Deputy Director of Agriculture, III Circle, Bellary, during the next season.

Mr. G. Rameswara Rao:—" In the answer it is stated that these special varieties of seeds are available for sale at the Central Farm, Coimbatore. May I know why these seeds are not stocked in the famine zone of Anantapur itself?"

29th January 1936]

The Hon. Mr. P. T. Rajan:—"If there is a demand, they will be stocked in the Anantapur depot also and if my hon. Friend would inform the Deputy Director, he will do so."

Diwan Bahadur M. Gopalaswami Mudaliyar:—"May I know, Sir, whether it is not the bounden duty of the Deputy Director to do propaganda work saying that these special seeds, for instance, korra, which will stand the weather conditions of Bellary, are available?"

The Hon. Mr. P. T. Rajan:—"Of course, it is the business of the department to tell people that improved strains are available and ask them to use them."

Fisheries

Re-employment of the Sub-Inspectors of the Fisheries department discharged from service.

*571 *Q.*—Mr. M. S. Sreshta: Will the Hon. the Minister for Public Works be pleased to state—

(*a*) how many Sub-Inspectors were discharged from the Fisheries department in December 1934, owing to the reorganization scheme;

(*b*) how many of them have been re-employed, and on what pay;

(*c*) in the ordinary course when are those who have not been re-employed likely to be re-employed;

(*d*) whether it is a fact that the Government had passed orders on their first memorial that they would be re-employed in the Match and Sugar department;

(*e*) if so, why they have not been so re-employed;

(*f*) how many outsiders were recruited as Sub-Inspectors to the Excise department since December 1934;

(*g*) why the Government did not make provision in the Excise department for the discharged men and why they did not retransfer the senior Sub-Inspectors who came from the Excise and make place for the discharged men who have had several years of service;

(*h*) if the Service Rules do not permit such a transfer, whether the Government have taken steps to modify the rules;

(*i*) if not, why not;

(*j*) whether the Fisheries Sub-Inspectors are not considered suitable for appointment as Excise Sub-Inspectors;

(*k*) if so, why they are considered unsuitable;

(*l*) whether the Commissioner or any other appointing authority saw them and found them unfit;

(*m*) if so, on what grounds they were found unfit; and

(*n*) whether the Government have taken steps to see that these discharged men are immediately re-employed in some suitable posts?

A.—(*a*) Fourteen permanent and five acting Sub-Inspectors.

(*b*) Of the permanent men 10 have been provided for in temporary posts and 4 in short leave vacancies as and when they occur. The question of fixing their pay is under consideration.

(c) It is not possible to say.

(d) Yes. They were informed that those of them found suitable by the Commissioner of Excise would be employed in the temporary posts of Petty Officers sanctioned in connexion with the administration of the Sugar and Matches (Excise Duty) Acts, as soon as special rules to regulate the recruitment to the posts had been framed.

(e) The framing of the rules depends on the treatment of the staff as the staff of the Central Government or of the Local Government. The employment of the staff could not however wait till this was decided and all the temporary posts were in the meanwhile filled by the staff of the Excise department.

The Madras Excise Subordinate Service Rules have recently been amended to provide for the employment of these men in the temporary posts of Sub-Inspectors and petty officers sanctioned for the performance of work connected with the administration of the Sugar and Match (Excise Duty) Act, 1934.

(f) 37.

(g), (h) & (i) The Madras Excise Subordinate Service Rules do not provide for the transfer to the service of men from other services excepting members of the Madras Ministerial Service employed in the Excise department. However, the question of amending these rules to admit at least of the retransfer of those who came originally from the combined Salt and Abkari department is now under consideration.

(j) They are not considered suitable by the Commissioner of Excise.

(k) The Commissioner of Excise states that they have been out of touch with Excise work.

(l) & (m) The Sub-Inspectors were not interviewed by any authority. As they have been in charge of fish-curing yards, it can easily be understood that they are only fit for sedentary work.

(n) If it is possible to retransfer the Sub-Inspectors who came originally from the Combined Salt and Excise department to the Excise department, some of the retrenched men may be employed in their places. The rest will be employed as vacancies arise.

Mr. M. S. Sreshta:—" In the answer to clauses (l) and (m), it is stated that as Sub-Inspectors were employed in the Fisheries Department, they are not fit for any work but sedentary work. But in the answer to (g), (h) and (i), it is stated that clerks of the Excise Department may be transferred as Sub-Inspectors of the department. May I know why it is thought that the Fisheries Inspectors are not fit for transfer as Excise Inspectors, whereas clerks are found fit for the discharge of such task? "

The Hon. Mr. P. T. RAJAN:—"Probably the clerks are in touch with the work in the Excise Department and the men employed in fisheries work are not."

Mr. V. T. ARASU:—"May I know whether in the last two or three years, no other direct recruitment to the Excise Subordinate Service had been made?"

The Hon. Mr. P. T. RAJAN:—"I believe it has been made but I am afraid I cannot give the information as I am not in charge of the department."

Mr. V. T. ARASU:—"When raw men can be found suitable for work as Excise sub-inspectors, may I know why Government seem to think that the Fisheries Sub-Inspectors are not fit to do such work?"

The Hon. Mr. P. T. RAJAN:—"There are rules governing recruitment to the Excise Department, and naturally they have been following those rules."

Mr. M. S. SRESHTA:—"I find the Hon. Minister has dealt with this matter generously. May I ask the Hon. Minister whether he would extend his generosity by saying that these Fisheries Sub-Inspectors may be interviewed, so that it might be found out whether they are fit or unfit for appointment as Excise Sub-Inspectors?"

The Hon. Mr. P. T. RAJAN:—"By whom?"

Mr. M. S. SRESHTA:—"By the Madras Services Commission."

The Hon. Mr. P. T. RAJAN:—"I am afraid, it may not be possible to ask the Madras Services Commission. If at any time they apply, the hon. Member's suggestion would be considered as regards the action to be taken by the Commissioner of Excise."

Mr. T. S. RAMASWAMI AYYAR:—"Do the Government think that once people are appointed to the Fisheries Department, they are afterwards incapable of doing any other work?"

The Hon. Mr. P. T. RAJAN:—"As I said, each service has got its own rules; and it is left to the heads of departments to see whether the men they recruit are suitable for the post."

Weights and Measures

Standardization of weights and measures.

*572 *Q.*—Mr. C. BASU DEV: Will the Hon. the Minister for Public Works be pleased to state—

(*a*) whether the Government have considered the desirability of effecting uniformity in weights and measures in the province;

(*b*) whether the Government have received any suggestions from their officers for effecting such uniformity;

(c) whether the Government have received any proposal from the Government of India for effecting such uniformity throughout India; and

(d) whether the Government have examined the approximate charge on provincial revenues a Provincial Act for effecting uniformity in weights and measures is likely to entail and, if so, what it is?

A.—(*a*) & (*b*) Yes.

(*c*) The Government of India had such a question under their consideration, but subsequently left it to Local Governments to take it up if they desire. The whole question is now being considered by a Sub-Committee of the Economic Council.

(*d*) No.

Expenditure from Provincial Revenues in the event of legislation standardizing weights and measures.

* 573 *Q.*—Mr. P. V. KRISHNAYYA CHOUDARI: With reference to the refusal of sanction for the introduction of my Weights and Measures Bill, will the Hon. the Minister for Public Works be pleased to state the probable expenditure from the Provincial Revenues to give effect to the provisions of that Bill?

A.—The probable expenditure that will be involved in giving effect to the provisions of the Bill has not been worked out.

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know, Sir, why without knowing the actual expenditure that will be involved as a result of the introduction of this measure, the Government have refused to accord sanction for the same?"

The Hon. Mr. P. T. RAJAN:—"They thought that the present state of the finances of this Government would not permit a measure of this kind being legislated."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Are the Government aware that there would be no expenditure at all according to the present Bill?"

The Hon. Mr. P. T. RAJAN:—"I cannot say that no expenditure would be incurred."

Mr. P. V. KRISHNAYYA CHOUDARI:—"In reply to a previous question, the Hon. Minister has stated that the whole question was being considered by the Sub-Committee of the Economic Council. May I know whether the Government are going to decide the question as early as possible in view of the fact that several ryots are being put to a lot of inconvenience?"

The Hon. Mr. P. T. RAJAN:—"As soon as the recommendations of the Sub-Committee are received, it will certainly be taken up."

29th January 1936]

Education

Surcharge on the Coimbatore Municipality for closure of the schools in commemoration of the visit of Mahatma Gandhi.

* 574 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) whether it is a fact that the Coimbatore Municipal Council has been recently surcharged for giving a holiday to the schools in honour of Mahatma Gandhi's visit to Coimbatore;

(*b*) what the amount collected or likely to be collected is as a result of the surcharge; and

(*c*) what the reasons were that led the Government to surcharge?

A.—(*a*) & (*b*) The Government are not aware that action has been taken against the Council under the surcharge rules.

(*c*) The power to surcharge is vested in the Examiner of Local Fund Accounts.

Diwan Bahadur T. A. RAMALINGA CHETTIYAR:—" May I know from the Hon. Minister whether Government have received no representation? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Representation was received from a municipal councillor, but as surcharge is made by the Inspector of Local Fund Accounts and as Government do not deal with the matter without an appeal being received, Government have not taken any action."

Diwan Bahadur T. A. RAMALINGAM CHETTIAR:—" Has there been no representation from the municipal council? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" There is no surcharge yet and there cannot be an appeal unless there is a surcharge."

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know, Sir, whether it is the intention of the Government to permit such surcharges, in the interests of the administration of local bodies and municipalities?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I cannot give any answer with regard to the intentions of the Government on any hypothetical question in a matter like this."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know whether the Government are aware that the Examiner of Local Fund Accounts has issued a notice of surcharge on the municipal council? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" That is not surcharge. It is only on receipt of such a notice that the municipal councillors sent a representation to the Government."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I ask the Hon. Minister whether the notice issued by the Inspector of Local Fund Accounts to show cause why the municipal councillors should not be surcharged, is in order? "

[29th January 1936

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" That is, I think, the usual notice."

Mr. V. M. Ramaswami Mudaliyar:—" May I ask the Hon. Minister whether the Government will consider favourably the question of waiver of such surcharge if such an application is made?"

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" When the time comes, the matter will receive the most careful consideration of the Government."

Diwan Bahadur C. S. Ratnasabhapati Mudaliyar:—" May I know whether Government do not consider that the issue of a preliminary notice by the Examiner of Local Fund Accounts will not constitute action taken by the authorities?"

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" I do not consider so, until the actual surcharge is made."

Surcharge on the Coimbatore Municipality for closure of the schools on the 5th January 1934 in commemoration of the visit of Mahatma Gandhi.

* 575 *Q.*—Mr. K. A. Nachiyappa Gounder: Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) whether it is a fact that the Municipal Council of Coimbatore has been surcharged for having closed their schools on the 5th January 1934 on account of the visit of Mahatma Gandhi to their town during his Harijan tour; and

(*b*) if so, whether a copy of the order will be placed on the table?

A.—The hon. Member is referred to the answer to clauses (*a*) and (*b*) of question No. 574.

Expulsion of Mr. Chathu of Kottayam from the Training School for alleged participation in the civil disobedience movement.

* 576 *Q.*—Mrs. A. Rukmani Lakshmipathi: Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) whether it is a fact that one Mr. Chathu of Kottayam taluk, after being admitted as a student of the training class, was dismissed after a couple of months and after the payment of fees on the ground that he had taken part in the civil disobedience movement; and

(*b*) whether it is a fact that the District Educational Officer served a notice on the managers of aided elementary schools that nobody who had taken part in the civil disobedience movement should be allowed to act as teachers in their schools?

A.—(*a*) The District Educational Officer, Malabar, recently ordered the discharge from the Government Training School, Calicut, of a student named Padiyullath Chathu who had been admitted into the school in July on his discovering that he had been convicted in connexion with the civil disobedience movement in 1932.

(*b*) No such notices have been issued.

29th January 1936]

Mr. A. RANGANATHA MUDALIYAR:—"May I know from the Hon. the Minister whether the applicant had any previous conviction or he made any false statement?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I do not think any such inquiry is being made in the case of every applicant. Everybody is presumed not to have disobeyed the law."

Mr. A. RANGANATHA MUDALIYAR:—"Have the fees of the candidate been refunded, Sir?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Notice, Sir."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I know, Sir, even after return to the path of constitutionalism, why a taboo should be made against his admission?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Rules provide that permission of the Government should be obtained before admission. In this case no such permission was granted, nor any application to that effect was made to the Government."

Mr. C. RAMALINGA REDDI:—"May I ask the Hon. Minister whether this student has been convicted of any act of violence or only of civil disobedience?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Civil disobedience, though it may be called non-violent may take a violent form. I cannot say exactly what he was convicted for."

Mr. K. P. RAMAN MENON:—"May I know from the Hon. Minister whether the Government will favourably consider his case if he applies for readmission?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"In previous cases, Government have allowed the admission of such candidates. But in this particular case, I am not aware of any application having been made. The matter will be considered if he applies."

Mr. T. S. RAMASWAMI AYYAR:—"May I know from the Hon. Minister whether Government do not consider that this rule will be an archaic one at the time when the Hon. Minister for Education may be an ex-civil disobedience prisoner?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I do not think I will ever be so stupid as to become a civil disobedience prisoner."

Mr. T. S. RAMASWAMI AYYAR:—"I am speaking of a future Minister for Education?"

Mr. C. RAMALINGA REDDI:—"May I ask my hon. Friend whether he will take the application of this boy into sympathetic consideration if he does apply for admission into Government schools?"

[29th January 1936

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I have already stated what action Government have taken in some previous cases. That action should encourage the hope that Government will consider the application sympathetically."

B. POCKER SAHIB Bahadur:—" May I know, Sir, whether it is not a fact that the Educational Officer has only discharged his duty in discharging this candidate according to the Government Order published by the Government?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I think so. I thank my hon. Friend for the suggestion."

Mr. A. RANGANATHA MUDALIYAR:—" May I know whether the student made no representation on the order of expulsion?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" None, so far as I am aware of."

Proposal to increase the number of admissions into the Teachers' College.

*577 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) whether there are any proposals for increasing the admission into the Teachers' College for the coming year;

(*b*) if so, what they are;

(*c*) whether any representations have been received for increasing the admission;

(*d*) if so, from whom, and what have been done with them; and

(*e*) what the numbers are that applied for admission and of those actually admitted in each year since 1930?

A.—(*a*) & (*b*) There are no proposals before Government. It is understood that a proposal to increase the number of admissions to the L.T. class from 180 to 200 is under the consideration of the department.

(*c*) & (*d*) It is reported that a representation has been received from Mr. Basheer Ahmed Sayeed, M.L.C., a member of the Selection Committee of the Teachers' College, Saidapet, and it is under the consideration of the department.

(*e*) The following statement gives the information asked for:—

Year.	Number of applications received.	Number of candidates admitted.
1930–31	350	112
1931–32	650	129
1932–33	782	170
1933–34	559	180
1934–35	543	183
1935–36	519	185

Mr. K. A. NACHIYAPPA GOUNDER:—" In answer to clause (*e*) of the question it is found that a large number of applications for admission were received, but only a few of the applicants could be provided with seats and that ever since 1931–32 there were a lot of applications.

29th January 1936]

May I ask the Hon. Minister why Government have not so far considered the desirability of increasing the number of seats in the college?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"My hon. Friend's information is quite incorrect. Only quite recently the number of seats was increased—I think about two years ago."

Mr. K. A. NACHIYAPPA GOUNDER:—"In 1931–32 itself the number of applications received was 650 and the number admitted was only 129. That was four or five years ago and there was very great pressure since then?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"It was only quite recently about two or three years ago that the number was increased from 100 to 180."

B. POCKER SAHIB Bahadur:—"Will the Government be pleased to state whether their consideration of the representation will come to a finish before the next selection which is to take place in March?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I cannot say."

Mr. G. RAMESWARA RAO:—"May I know whether this increase from 180 to 200 refers both to Rajahmundry and Saidapet or only to one of them?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"This question refers only to the Saidapet College:"

Mr. K. KOTI REDDI:—"May I know if the Government cannot consider the proposal of directing that this institution might be worked on a double-shift basis, so that it may automatically increase accommodation?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I do not think that question arises at all."

Mr. T. S. RAMASWAMI AYYAR:—"May I know, Sir, whether Government will not consider the desirability of increasing the number of seats at least by asking pupils to pay for their education if they are prepared to do so—which I believe is the case in most cases?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I am glad to hear from my hon. Friend the member representing the University that students are prepared to pay; but the information I have had is just the opposite."

Alleged circular of the Director of Public Instruction to cut down grants to aided schools in South Kanara.

* 578 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) whether it is a fact that the Director of Public Instruction has issued a circular to the Inspecting officers in the district of South

Kanara to cut down the grants to the aided and other schools; if so, whether the Government will be pleased to place a copy of the said circular on the table of the House; and

(b) what the reasons are why the said circular has been issued?

A.—No such circular has been issued.

Action taken by the Government on the resolution of the Legislative Council, dated 30th March 1920, in regard to an effective curriculum for elementary education.

* 579 Q.—Mr. U. C. Subrahmanya Bhatt: Will the Hon. the Minister for Education and Excise be pleased to state with reference to the assurance given by Mr. Littlehailes, Director of Public Instruction, in 1920 to the resolution moved by Mr. B. Venkatapati Razu on 30th March 1920 in this House regarding the need for constituting a committee to enquire and report upon a desirable curriculum for elementary education with special reference to vocational studies suited to rural and urban areas, that the department has been alive to the defects that exist, especially as regards framing of a suitable curriculum and of enforcing them upon schools and that the matter is under consideration of the Government, whether any definite steps have been taken since that date to frame a suitable curriculum and enforce it on elementary schools; if so, what steps have been taken in the matter?

A.—Since the date referred to by the hon. Member in his question, the two subjects of 'nature study' and 'practical instruction' have been added to the elementary school curriculum. Practical instruction consists of instruction in wood-work, weaving, etc.

11-45 a.m. Mr. A. B. Shetty:—"May I know whether the Government have made any provision in the budget for the next year to help the schools to provide practical instruction?"

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"I cannot say."

Levy and collection of education-tax in the province.

* 580 Q.—Mr. K. A. Nachiyappa Gounder: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) in which of the districts, education-tax has been levied; from which year and at what rate;

(b) in which of the districts, education-tax has not been levied so far and why; and

(c) what the total amount is of education-tax collected in each district where such a tax has been levied during 1934-35?

A.—(a) & (b) Education tax is levied in all rural areas in the Presidency except in Nellore district, where it is levied only in one taluk. The present rates of education-tax

29th January 1936]

are given in the statement [a] appended. Before the abolition of taluk boards different rates of tax were in force in different taluks of each district, and in some taluks no tax was levied. A rate of tax uniform throughout the district has been levied in all districts (except Nellore) only from the current year.

(c) Final figures of the proceeds of education-tax in 1934–35 have not yet been reported to Government.

Mr. K. A. Nachiyappa Gounder:—" May I know, Sir, whether fees are levied from pupils in the board schools in areas where education tax is collected? "

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" In elementary schools maintained by local bodies almost invariably education is free."

Mr. P. V. Krishnayya Choudari:—" In the Kadiri taluk of the Nellore district education-cess is collected. Now that the taluk boards are abolished, are any special facilities given? "

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" The question of levy throughout the area is under consideration."

Orphanages maintained by foreign missionaries with Government aid.

* 581 *Q.*—Mrs. A. Rukmani Lakshmipathi: Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) how many orphanages are there run by foreign missionaries which get grant from the Government; and

(*b*) whether there are any Indian orphanages under Indian management which get Government grant?

A.—(*a*) One hundred and seventy-seven orphanages managed by foreign missions received grant in 1934–35.

(*b*) Yes.

Mr. A. Ranganatha Mudaliyar:—" How many Indian Orphanages are there? "

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" Notice."

B. Pocker Sahib Bahadur:—" May I know, Sir, whether the grants given to Indian Orphanages under Indian management are on the same scale as those given to the orphanages under foreign missionaries? "

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" It does not depend upon the agency that is running the orphanage."

Diwan Bahadur C. S. Ratnasabhapati Mudaliyar:—" Out of 177 how many are for Indian boys and girls and how many for Europeans? "

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" I cannot say."

[a] Printed as Appendix V on page 123 infra.

Mr. C. Ramalinga Reddi :—" May I know if there are rules framed for the grants or whether each grant is considered on what are called the merits of each case? "

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar :—" There are rules fixing the maximum rate of grant."

Excise

Deputation from Tiyyas to the Commissioner of Excise regarding inadequate representation of the community in the department.

* 582 *Q.*—Mr. A. B. Shetty: Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) whether a deputation of Tiyyas waited on the Excise Commissioner at Tellicherry in August last year and represented to him the inadequate number of Tiyyas and Billavas employed as Sub-Inspectors, Assistant Inspectors and Inspectors of Excise; and

(*b*) whether the Government have considered their grievances and taken any action in the matter?

A.—(*a*) The Government have no information.

(*b*) Does not arise.

Mr. A. B. Shetty :—" May I know whether any representation was made to Government by these people? "

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar :—" No."

Mr. A. B. Shetty :—" May I know whether the Hon. Minister would be pleased to call for information from the Excise Commissioner and see what he can do to meet the grievances of these people? "

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar :—" I think they should see the Excise Commissioner first."

Appointment of the members of the Scheduled Classes in the Excise department since January 1935.

* 583 *Q.*—Rao Sahib V. Dharmalingam Pillai: Will the Hon. the Minister for Education and Excise be pleased to state the total number of appointments, both permanent and temporary, in the several cadres in the Excise department filled up from Scheduled Classes from January 1935 up to date on the basis of communal rotation?

A.—Two candidates belonging to the Scheduled Classes have been directly recruited as Inspectors of Excise. The Government have no information as regards the Madras Excise Subordinate Service.

29th January 1936]

Default in the payment of rent due by toddy and arrack shop renters in the North Arcot district.

* 584 *Q.*—Mr. M. B. Rangaswami Reddi: Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) the number of toddy and arrack shop renters for the past three years in the North Arcot district, talukwar, who failed to pay the entire rent;

(*b*) the amount of rent of such shops; and

(*c*) the number of toddy and arrack renters placed in jail for failure to pay the arrear rents?

A.—A statement [a] containing the information asked for is appended.

UNSTARRED QUESTION

Inland Waterways

Maintenance of the minimum water-level in the Buckingham Canal for purposes of navigation.

585 *Q.*—Mr. V. T. Arasu: Will the Hon. the Member for Revenue be pleased to state—

(*a*) the minimum water-level that is required for navigation in the Buckingham Canal;

(*b*) whether that level is available all through the year; and

(*c*) if not, why the Government are not in a position to maintain the minimum level?

A.—(*a*) The Navigation rules prescribe that all vessels using the canal shall be so loaded that they can navigate in a depth of water of 3 feet in the portion of canal to the north of the Cooum river in Madras and 2 feet in the southern portion.

(*b*) & (*c*) That depth is maintained by annual silt clearance.

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

NON-OFFICIAL BUSINESS.

II.—AMENDMENTS TO STANDING ORDER No. 5 (*b*) (5).

Mr. P. V. Krishnayya Choudari:—" Mr. President, Sir, I beg to present the [b] Report of the Select Committee appointed to consider amendments to Standing Order No. 5 (*b*) (5) and move that the Report be taken into consideration."

The motion was duly seconded.

The motion was put and carried.

[a] Printed as Appendix VI on page 124 infra.

[b] Printed as Appendix VII on pages 125–126 infra.

[29th January 1936

Mr. P. V. Krishnayya Choudari:—" Sir, I move that the amendments recommended by the Select Committee be passed; I shall read these amendments:—

' For *clauses* (4) *and* (5) *of Standing Order No.* 5 (*b*) substitute *the following*:—

" (4) *The relative precedence*—

(*a*) *of Bills falling under sub-clause* (*iv*) *of clause* (2),

(*b*) *of Bills falling under sub-clause* (*v*) *of clause* (2) *and*

(*c*) *of resolutions,*

shall be determined by ballot.

(5) *A separate ballot shall be held*—

(*a*) *for motions relating to Bills falling under sub-clause* (*iv*) *of clause* (2);

(*b*) *for motions relating to Bills falling under sub-clause* (*v*) *of clause* (2); *and*

(*c*) *for resolutions* ".' "

The motion was duly seconded.

The amendments were put and carried.

III.—THE MADRAS DEBT CONCILIATION BILL (BILL No. 9 OF 1934).

New clause 12-B.

* The Hon. the President:—" The House will now proceed to consider the Madras Debt Conciliation Bill (Bill No. 9 of 1934). When we last adjourned, hon. Members might remember that we had been discussing amendment No. 38 [a], viz., new clause 12-B moved by Mr. Krishnayya Choudari. Some hon. Members had already spoken on the subject and the discussion on the amendment will now continue."

Mr. P. V. Krishnayya Choudari:—" We have already discussed it and the Hon. the Law Member also gave his acceptance, I think."

The Hon. Sir K. V. Reddi Nayudu:—" On a point of personal explanation, Sir, I never gave any acceptance."

Mr. P. V. Krishnayya Choudari:—" I think in a way it was accepted. As the House has already discussed it, I think, I need not say much about it. I personally feel that the interest must not exceed the principal in any circumstance. So I move my amendment."

New clause 12-B.

a Mr. P. V. Krishnayya Choudari:—

38 *Insert* the following as new clause 12-B:—

" 12-B. (1) In any scheme of debt conciliation under this Act, no creditor shall be allowed a greater amount in satisfaction of both principal and interest than twice the amount of the principal.

(2) In any suit brought after the commencement of this Act against the debtor for the recovery of a loan borrowed before the commencement of the Act, no court shall pass a decree in satisfaction of both principal and interest for a larger sum than twice the amount of the principal."

29th January 1936]

* The Hon. Sir K. V. Reddi Nayudu:—"The hon. Member who moved this amendment was not well informed when he stated that I accepted the amendment. In the proceedings I do not find that I spoke a single word that day. The hon. Member's suggestion in the amendment is that in the settlement of debts the amount to be awarded should not exceed the principal and interest by more than twice the amount of the principal. Sir, that is not a fair settlement. Evidently the hon. Member has drawn this amendment from the Punjab Act. In the Punjab Act it will be noticed that these two clauses are separated, one clause referring to suits filed before the Act and the second clause relating to suits filed after the commencement of the Act. Suppose, for instance, a loan of hundred rupees is given before this Act came into force and it has by lapse of time come up to Rupees 1,000. If the amendment is carried some difficult situations will arise. Suppose Rs. 100 was lent 12 years ago and the bond or pro-note is kept alive by repeated acknowledgments and the amount due comes up to Rs. 1,000. Then under the amendment, this settlement must be limited to Rs. 200 because the principal was Rs. 100 and though it has come to Rs. 1,000 when the Act came into force, not more than Rs. 200 can be awarded. That is not what is enacted in the Punjab Act. That is not their idea. The Punjab Act is very clear on that point. Section 30 of that Act runs thus:

'In any suit brought after the commencement of this Act against a debtor as defined in section 7 for the recovery of a loan borrowed before the commencement of this Act, no court shall grant a decree in satisfaction both of principal and interest for a larger sum than twice the amount which the court finds to have been due at the commencement of this Act.'

"So that it is different altogether from the principal. In the second case:

'In any suit brought against a debtor as defined in section 7 for the recovery of a loan borrowed after the commencement of this Act, no court shall pass a decree for a larger sum than twice the amount of the sum taken as principal.'

"As I have stated, in cases where the amount has accumulated to a certain amount before the Act comes into force, then the provision made in the Punjab Act is in regard to the amount due at the time of the passing of the Act. On the other hand, if the suit is brought after the Act has been passed, then certainly the question of principal may have to be considered. The hon. Member does not make this distinction. I cannot therefore accept the amendment."

* Diwan Bahadur T. A. Ramalingam Chettiyar:—"In the course of the discussion in and outside the House the view expressed seemed to be that ordinarily the rule may be accepted and may be incorporated if possible in the Bill. It is said that Government itself issued certain rules under the Agricultural Loans Act, under which the principal that is mentioned in the document which is going to be discharged will be taken as the basis and under no settlement can more than twice the amount should be given to the creditor. That, I believe, is the effect of the rules issued by Government. I understood that was going to be enacted by the Government as a rule during the discussion

in the informal conference the other day. If we take the principal of the document on which the claim is based and if it is said that in any settlement that is to be come to not more than twice the amount will be given I think, Sir, that will satisfy the requirements and the difficulty mentioned by the Hon. Member will vanish. If the last document said that Rs. 500 was given all that the rule will say will be not more than thousand rupees shall be given. The Punjab Act is different. It takes the amount due on the day on which the Act comes into force. So I would suggest this wording, Sir, viz., 'twice the amount of the principal mentioned in the document on which the claim is based.' (The Hon. Sir K. V. Reddi Nayudu: 'Supposing the claim is based on a decree?') So far as decrees are concerned there is no trouble because the amount of the decree shall be taken as the amount due under a provision we have already passed. It is only where the court has not given a decree the question will arise. So to avoid the difficulty mentioned by the Law Member, I move to add, 'the amount of the principal mentioned in the document on which the claim is based'."

12 noon. * The Hon. Sir K. V. REDDI NAYUDU:—"That does not solve the difficulty contemplated by the hon. Member, because the document may be kept up by a series of small acknowledgments on the back of it. The acknowledgments will also save the period of limitation, viz., twelve years and will serve to prolong the life of the document for a much longer period. Then, of course, the principal of the first debt might not be one-tenth of what was due on the date the last endorsement had been made. Therefore, that will not solve the hon. Member's difficulty. I will have no objection if the hon. Member fixes a certain date, say the date on which this Bill has been introduced, or anything he likes. But to go back to the first date of the document will mean nothing."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Then, I will definitely move an amendment—

'For *the words* "*of the principal*" *at the end of paragraph* (1), substitute *the words* "*due on the* 1st *of June* 1933" '."

* Mr. T. C. SRINIVASA AYYANGAR:—"May I suggest that this amendment may be put down and circulated? I know that at least in one Indian State of this country, the ancient laws of Manu in this respect are the law of the country; but in 90 cases out of a hundred the rule cannot be given effect to. So, let us know where we are. Let the amendment, whatever it be, be put down on paper and circulated to us."

* The Hon. the PRESIDENT:—"I would suggest that the amendment might be put in writing and circulated. Meanwhile we shall go on with the other clauses."

This was agreed to, and consideration of new clause 12-B was postponed.

Clause 13.

* The Hon. Sir K. V. REDDI NAYUDU :—" Mr. President, Sir, I beg to move that clause 13 be deleted.

' Clause 13 as amended by the Select Committee runs thus:—

" 13. If a debtor defaults in paying any amount due in accordance with the terms of an agreement registered under sub-section (2) of section 12, any amount payable under such agreement which remains unpaid shall be recoverable as if a decree of a civil court had then been passed for its payment ".'

I submit that this is a redundant clause as a reference to clause 12 (2) which the Council agreed upon will show. It says:

' An agreement thus made shall, within thirty days from the date of its making, be registered under the Indian Registration Act, 1908, by the chairman of the board in such manner as may be prescribed and it shall then take effect as if it were a decree of a civil court.'

Thus the intention of clause 13 is carried out by clause 12 (2). It is therefore redundant and unnecessary, and I move that it be deleted."

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" I second it."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR :—" I think that, if clause 13 is going to be deleted, we will probably have to add at the end of sub-clause (2) of clause 12, the words ' and be executable as such.' Otherwise, there might arise a doubt. So, why not make it quite clear? Now that clause 12 has already been passed, unless we pass the other amendment also to it, we cannot delete clause 13. That is why I am moving to add at the end of clause 12 (2) the words ' and be executable as such '."

Mr. K. R. VENKATARAMA AYYAR :—" You may say ' enforceable '."

* The Hon. the PRESIDENT :—" If the House is agreeable to the deletion of clause 13 and to the amendment of clause 12 (2), then we will have to reopen clause 12 and make the amendment, and then go to clause 13."

Clause 12.

On the House signifying its assent, clause 12 was again taken up for consideration.

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR :—" I move to add at the end of sub-clause (2) of clause 12 the words ' and be executable as such '."

The motion was duly seconded.

Mr. G. RAMESWARA RAO :—" In this connexion, I would propose that the words of my amendment No. 41 in the printed list may also be added, viz., the words ' in one lump or instalments as provided in the agreement '."

The Hon. Sir K. V. REDDI NAYUDU :—" That is rather a controversial point."

[29th January 1936

* The Hon. the PRESIDENT:—" The hon. Member's amendment depends upon the retention of clause 13."

Mr. G. RAMESWARA RAO:—" If clause 13 is going to be deleted, those words might be added to clause 12 (2), and so I would request with your permission to move my amendment also."

* The Hon. the PRESIDENT:—" It is not a question of the Chair giving permission, but the House has to give the permission. I should like to know, besides the amendment to clause 12 (2) and the amendment for the omission of clause 13, if the House is going to allow the hon. Member to move another amendment."

Mr. G. RAMESWARA RAO:—" I would appeal to the Hon. the Law Member to consider my suggestion as regards the mode of recovery of the amount, whether the recovery is to be in one lump sum or in instalments."

The Hon. Sir K. V. REDDI NAYUDU:—" If the Board decides to prescribe the method, the question will not arise."

Mr. G. RAMESWARA RAO:—" That may mean that some rule may come in the way, and so you should state clearly whether the recovery is to be in one lump sum or in instalments."

The Hon. Sir K. V. REDDI NAYUDU:—" That is already carried out there."

* The Hon. the PRESIDENT:—" The question is—

> ' Add *at the end of sub-clause* (2) *of clause* 12 *the words* " *and be executable as such*".' "

The amendment was put and carried.

Clause 12 as amended was put and carried.

Clause 13.

* The Hon. the PRESIDENT:—" The question is that clause 13 be deleted."

The amendment was put and carried.

* Mr. K. KOTI REDDI:—" Sir, I beg to move—

> ' For *clause* 13, substitute *the following*:—
>
> " 13. *If no amicable settlement is arrived at under section* 12, *the following procedure shall be adopted for settling the debts. The Board shall at first take into full account the economic value of the rupee, i.e., the proportionate fall or rise in the value of the land and its products in the locality at the time when the amount was borrowed, at the time when the debt was partly discharged, if any, and at the time when*

the settlement is to be made. The Board shall then deduct from the amount so arrived at any sum it considers necessary on account of the following considerations:—

(1) *The amount of consideration actually received;*
(2) *the reasonableness of the rates of interest;*
(3) *onerous conditions, if any, complied with in the grant of the loan;*
(4) *whether at any time, the creditor or the debtor was offered settlement of the debt in full or part, and if so, what the terms were; and*
(5) *other particulars which the Board thinks it desirable to take into account.*

From the amount so arrived at, the sum which in the opinion of the Board is necessary for the bare maintenance of the debtor which shall not exceed the estimated expenditure necessary for realizing the debts through the ordinary process of law shall be deducted.

The amount so arrived at shall be declared to be the amount due by the debtor to the creditor or creditors." '

" Sir, I do not think it is necessary for me to make an elaborate speech on this amendment. The House has come to the conclusion that under certain circumstances the creditor and the debtor should be brought together and made to agree to some settlement of the debt. My amendment now is to the effect that where such a settlement cannot be effected on account of the disagreement of one party or another, the Government ought not to be satisfied with the mere hope of bringing about an agreement later on. It is clear from the report of the Special Officer on Rural Indebtedness that the condition of the ryot is very very deplorable and that something should be done immediately in order that the ryot may be relieved of this burden of indebtedness. On page 49 of his report, the Special Officer says: 'No doubt, the present position of the agriculturist debtor is alarming and his great burden of debt has to be speedily lifted from his shoulders.' I would rather lay emphasis on the word 'speedily.' I believe the Government probably hope along with the Special Officer that it is not very difficult to bring about a voluntary settlement. My conviction, Sir—I am speaking from some knowledge of the debtors as well as creditors—is that these voluntary settlements are not ordinarily effected. Where conditions are possible even to-day, such voluntary action is being effected, and panchayatdars do sometimes help to bring about a settlement. Where the property is not large or where the debtor is heavily indebted and the property is not sufficient to meet the entire debt, the creditor is obliged to come to some sort of agreement. Such things are taking place even without the help of the legislature. But the serious nature of the question that we have to meet with is this, that in the majority of cases such voluntary action is almost impossible. It is due to many circumstances. There are some ryots with very large property but who are not so heavily indebted. In such a case the creditor

[Mr. K. Koti Reddi] [29th January 1936

actually compels the debtor to sell away practically the whole of his property for meeting after all only a small amount of debt, which under better circumstances, could be discharged without the whole property being brought to auction. The creditor takes advantage of the present 12-15 p.m. economic depression and of the heavy fall in prices of land. Should we not as the representatives of the people find a remedy for such state of things and see that the ryot is not put to the necessity of selling away all the property to the creditors most of whom are sowcars or capitalists, for in their case purchasing the property is not worth the game? And what is happening is most of the land is going out of cultivation or proper cultivation. Besides the creditor is not in a position to get a proper price for the lands that thus come into his possession. The result is the ryot who is interested in the cultivation is put off out of the land and the sowcar or capitalist is not in a position to make the best use of the land even if he cultivates the lands he won't be able to get even half of what the ryot gets. There is a slight mistake in amendment (No. 42). It must be 'for clause 13' instead of 'for clause 14.'"

* The Hon. the PRESIDENT:—"There is another amendment which he has given notice of for clause [a] 14."

Mr. K. KOTI REDDI:—"That also goes along with the other."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"May I point out, Sir, that amendments Nos. 29, 40 and 42 all go together. My hon. Friend, Mr. Koti Reddi, has given notice of amendments which altogether introduce a new arrangement in the Bill. The Bill as originally drafted was for voluntary settlement. My friend's idea was that powers of compulsion should be given to the board. The matter was discussed at length. He gave amendments for clauses 12, 13, 14, 15 and 16; he wanted a new set of clauses to be introduced altogether. As I said the other day, even though I am in sympathy with many of his

Clause 14.

[a] Mr. K. KOTI REDDI:—

For clause 14, *substitute* the following:—

"14. Where the debtor expresses his willingness to pay the amount so declared under section 13, the debtor shall be allowed three months for payment. Where he fails to pay the amount within the time so allowed or where he expresses at the outset his inability to pay, the Board shall, after setting apart the portion of the property for the maintenance of the debtor as aforesaid,—

(i) either sell the remaining property in the manner prescribed and distribute the proceeds amongst the creditors; or

(ii) allow all or such creditors as are willing to have their debts discharged in annual equated payments, with interest calculated at not more than 6 per cent per annum on the security of the property of the debtor, provided that property, in proportion to their debts, is set apart for discharging by immediate sale, the debts of those who are not willing to receive equated payments:

Provided that any arrangement under this section shall not affect the prior claims of the secured creditors without their consent except to the extent of property set apart for the maintenance of the debtor as aforesaid and to the extent of reduction, if any, of the amount calculated under section 13."

29th January 1936] [Mr. T. A. Ramalingam Chettiyar]

amendments I am very sorry that the Bill as drafted and introduced in the Council has no room for them. So I would suggest that the Bill may be allowed to be passed and another Bill brought either supplemental to it or in some other form. There are five or six amendments here which all hang together. The whole thing was discussed at the last meeting and the House was of opinion that they could not be brought into the present Bill."

* Mr. T. C. Srinivasa Ayyangar:—"Mr. President, the first point is, if the principle that the King's coin shall not have its legal value in the payment of a debt but a different value is to be substituted for it, I believe that the amendment strikes at the very root of the currency system of the country; the next point is whether this House will be competent to deal in such a way as to affect the value of the coin and if it is competent, whether a special sanction of the Governor-General would not be necessary. I desire to invite the attention of the House to this. If no amicable settlement is arrived at under sub-section (1) of section 12, the following procedure shall be adopted for settling the debts. The Board shall at first take into full account the economic value of the rupee. But to-day the law of the land is that if a debtor pays in the King's coin the number of rupees mentioned in the contract then he shall be discharged from the obligation. Now this amendment of my Friend, Mr. Koti Reddi, will mean that the King's coin shall not have its legal value but shall have a different value which the Conciliation Board shall fix. That is the position we shall be reduced to. I may perhaps illustrate the confusion likely to result. Perhaps many of you even now would remember that for certain reasons of State the mints in India were closed towards the latter part of the last century. The result was the value of the rupee artificially rose. Indians had firms in Malay States, Singapore, etc., and in French and Dutch Indies where the currency had been the silver dollar. In those countries mints were not closed and there was free mintage of dollars and the result there was that the value of the dollar in the east was very nearly equal to the value of the metal. So, very strange results followed, from the interference with the normal operation of the currency in India. Some of the Nattukkottai Chetti friends of mine who have been trading in the East Indies, and whose firms in the Far East earned enormous profits there, sustained heavy losses really. They had to borrow at Calcutta and Rangoon and remit money to those foreign parts. When they repaid, the profits earned were eaten up by the artificial higher exchange value of the rupee. The difficulties were avoided by the State interfering at a later stage and fixing the exchange value between dollar and rupee at 175. Now all these things were necessary for the purpose of giving the proper normal momentum to trade. My friend (Mr. Koti Reddi) will upset the whole currency laws in his efforts to help the debtor. I consider that the provision contained in this amendment is open to very serious objection and I submit, Sir, your ruling in the matter is necessary."

* The Hon. the President:—"The hon. Member, Mr .Koti Reddi, might know that the principle has been already settled on a former

[The President] [29th January 1936

occasion and there is no room for his amendment to be discussed at all at this stage. I therefore rule it out of order and call on Mr. C. K. Reddi to move the next amendment standing in his name."

Clause 14.

Rai Sahib C. KOLANDA REDDI:—" Sir, I beg to move—

'For *the words " dismiss the application " in line* 4, substitute *the following*:—

" *after due enquiry pass an award which shall have the same effect as the agreement referred to in clause* 12, *sub-clause* (1)." ' "

* The Hon. the PRESIDENT:—" As this involves the same objection that has been raised just now, it cannot be moved."

* The Hon. Sir K. V. REDDI NAYUDU:—" I beg to move, Sir—

'*that the proviso to clause* 14 *be omitted*.'

" The proviso as it stands is only an enabling provision in the sense that the Government are not bound but that they may, if they like, facilitate payment of debts by granting loans and may realize the amount from the debtors, etc. A provision like this is undesirable in an Act for various reasons. For one thing, Government have by the amendment of the Agriculturists' Loans Act, agreed to pay the amount and if hon. Members expect anything more than that, the objection of the Government will be that it is not reasonable nor is it permissible to bind them to make any payment. Therefore, Sir, this clause is not agreeable to Government and they want it to be removed from this Bill. I may mention for the information of the House that this matter has been discussed by the Government carefully and I have instructions to move that this proviso should be omitted."

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I second it."

Mr. P. V. KRISHNAYYA CHOUDARI:—" We also discussed it very carefully in the Select Committee, and we pointed out that there was some necessity to keep this clause, and as a matter of fact this new clause was added in the Select Committee for the reason that if the Government feels at any time the necessity they can advance loans. The Agricultural Loans Act provides only up to a maximum of Rs. 2,000. Besides it is not compulsory on the part of the Government that they should pay. So I don't see why Government should feel nervous about retaining this proviso. As it is not a harmful clause I appeal to the Hon. the Law Member to retain it as it is. It is there only to meet certain contingencies, but if the Government is not prepared to advance loans, there is no compulsion on them."

Mr. K. KOTI REDDI:—" I don't see why Government is fighting shy of this clause. The Government may occasionally do something. But if it is not prepared nobody can compel it. The Special Officer himself says:—

'If the agriculturist is to be saved, the bulk of his standing debt, at rates of interest ranging usually from 9 to 24 per cent and oftener rising to even 36

per cent, must be paid off by some financing agencies (like Government or co-operative societies or land mortgage banks), who at the same time will give the debtor-agriculturists every opportunity of repaying from their income, by charging interest at as low rates as possible and by collecting in easy instalments spread over a long period of years.''

''Even to-day not more than six per cent of debtors according to the statements made by the Special Officer have been helped by the co-operative societies; the land mortgage banks have done very little in that direction; unless the Government is prepared to extend a helping hand to the ryots there can be no hope for them.''

Mr. P. C. MUTHU CHETTIYAR:—

''கடன்காரருக்கு போர்டார் தீர்மானத்தின்பேரில் 'அக்கிரிகல்சரல் லோன் ஆக்டுப்படி' கொடுக்கவேண்டிய கடனானது ''may'' என்று ஆப்ஷனாக இருக்கப் படாது. ''may'' என்பதற்கு பதில் ''shall'' என்று போடவேண்டியது அவசியம்.

''இதை அமெண்டுமெண்டாகவும் கொடுத்திருக்கிறேன். போர்டில் ஒரு விதமாக சமரச தீர்மானம் எற்பட்ட பிறகு அதற்கு கவர்ன்மெண்டார் தொகை கொடுக்கிறார்களென்று எற்படுவதானது ஆக்டின் அபிப்பிராயத்தை நிறைவேற்ற செய்ததாக ஆகும். கவர்ன்மெண்டில் கடன் வாங்கிய பிறகு வேறு கடன் உத்திர வன்னியில் வாங்கப்படாது என்று காணலாம்.

''தீர்மானத்தில் நஷ்டங்கள் இருப்பினும் அப்பொழுதே ரொக்கம் வருவதை எதிர்ப்பார்த்தால் நஷ்டத்தை கருதார்.

''கடன்பட்டவர்களை பிறரிடம் விட்டு வேடிக்கை பார்க்கலாகாது.

''ஹானரபிள் லாமெம்பரவர்கள் இதை மருப்பதானது இந்த ஆக்டுக்கு பலம் கொடுக்காது. கவர்ன்மெண்டு கொடுக்கும் துகைக்கு இந்த ஆக்டிலும் சரியே இனி எந்த ஆக்டு வந்தாலும் சரியே அதை ஒன்றும் பாதிக்கபோவதில்லை.

''ஆகையால் ஆனரபிள் லாமெம்பரவர்கள் முடியாது என்பதை ஆக்ஷேபிக்கிறேன்.''

Diwan Bahadur C. NATESA MUDALIYAR:—''Sir, for my part I would request the Hon. Member not to press this amendment. If this proviso is omitted, the whole Bill will become useless and they might as well drop the Bill. The various clauses in it are somewhat wishy-washy and the only redeeming feature is the proviso which is now proposed to be omitted. I request the Hon. Member therefore not to press for its omission.'' 12–30 p.m.

* Sriman M. G. PATNAIK Mahasayo:—''Sir, it is very difficult to understand why the Government have decided to object to this clause. All that it says is that the Government may, if they so choose, pay that amount. It simply gives authority to the Government to do so. It does not compel them at all. That being the case, as I said, I do not understand why the Government should oppose it. Of course a future Government may think that they can find money to fulfil the requirements of this clause; there is no power to compel them to do so. Therefore why should this Government fetter the discretion of their successors? I do not think this Government thinks that it will continue for ever. Some other Government will certainly succeed them. That being the case, I do not see any reason why they should fetter the discretion of the future Government. This amendment therefore should be thrown out.''

Mr. G. Rameswara Rao:—" Mr. President, I do not very much see any force in the contention that this proviso must be retained. If the Government were to act honestly and sincerely they do not require enabling powers of the kind proposed in the proviso. (The Hon. Sir K. V. Reddi Nayudu: 'Quite so.') because, as the Hon. the Law Member pointed out, there is a provision in the Agriculturists' Loans Act, since amended, to enable the Government to grant loans for discharging all antecedent debts. That provision is ample enough if they sincerely desire to help the ryots. It is one thing to say that they have no power and it is quite another thing to say that they are not willing to help the ryots. Here I must state that the Government are not very ready to help the ryots, inasmuch as, under the rules framed, which are very stringent and severe, it is not possible for any tenant to take advantage of any enabling provision. Whatever it may be, it is a matter for framing rules which can be amended in any desirable manner. There is ample provision to go to the rescue of the ryots whenever the Government are so inclined. So this sort of proviso is absolutely redundant inasmuch as there is provision already in other enactments. The proviso does not seem to serve any useful purpose except to throw dust in the eyes of the general public and say, as it were 'Look here, we are going to help you.' It would seem as if the Government has otherwise no power to help them. Let us be sincere to the people and let us help the Government in framing decent rules so that it may, if it wants, go to the rescue of the ryots with the powers with which it is already invested."

* Mr. T. C. Srinivasa Ayyangar:—" I do not desire to add very much to the observations made by my hon. Friends. However, it may be permissible to point out that without some provision for financing the results of the Conciliation Boards, the Act will remain a dead letter. There must be some provision by which the Government will have to come to the rescue. But one difficulty may be pointed out, as being in the way. We took away the limit fixed on the amounts for the purpose of invoking the aid of the Act. The consequence is that the Government feels apparently aghast at the prospect of very large amounts being found necessary to be provided by them in the event of the Conciliation Boards doing their work briskly and both parties, debtors and creditors developing a desire to come to terms in the hope of getting money which may otherwise not be available. If the proviso is taken away, there is no prospect of the Bill becoming useful. There must be some statement made by the Government that, within certain limits, at least they would come to the rescue. Let it take any shape. And what is the substitute we have for this proviso? There is no use in proceeding with a Bill when there is no prospect of somebody coming to the rescue of the debtors, especially when the efforts of the Conciliation Boards will be to enable debtors and creditors coming to terms with a hope of satisfaction."

* The Hon. Sir K. V. Reddi Nayudu:—" Sir, there seems to be some misconception about the whole thing. My objection has not been clearly realized, though, of course, my hon. Friend, Mr. Rameswara Rao, has to a large extent explained my meaning in his address.

29th January 1936] [Sir K. V. Reddi Nayudu]

" Sir, my first objection was that this is a meaningless proviso. If it is only a case of ' the Government *may* do it,' and there is nothing to compel the Government, I do not really see what the use of such a proviso in the Act is.

" Secondly, the point raised by my hon. Friend from Ganjam was that we would be fettering the hands of the future Government and that this Government cannot expect that they would remain in office for ever. He is perfectly right. I am glad that he has kept it in view for the purpose of this Act. The present Government cannot be in existence after the 1st of April 1937. Therefore he need not apprehend that anybody on this side hopes to continue in office for ever just as some people think that they can live till eternity. Whatever it may be, this proviso will, in one way or the other, be fettering the discretion of the future Ministers. In the first place, without this proviso or anything of the kind, the Government of the future will always have the power to spend moneys and help the ryots if they so choose.

" Then, Sir, the hon. Member is perfectly right when he said that in order that this Act may be of some help, moneys must be forthcoming from some source. Hon. Members are aware that, apart from the Agriculturists Loans Act, under the rules framed therunder the Government have agreed to do their very best up to a maximum of Rs. 2,000 in cases where there is security and where there is a possibility of the return of the money; that is done by rules and it is open to any future Government to raise that figure to Rs. 5,000, or even Rs. 50,000. If they have money, they can give any amount; and if the hon. Member happens to be in this Council at that time, I am perfectly certain he will exert himself to see that that figure is raised as much as he likes. Then there are the land mortgage banks, the ordinary banks and numerous private agencies. All these are there. That being so, by putting in a proviso of this kind, you will be fettering the discretion of the Government and compelling them to spend the moneys of the tax-payers in a particular manner, though of course you are putting it in the form of ' *may facilitate*.' I think, Sir, that the power of spending the tax-payers' money by any Government, whether it is this Government or the next Government after 1st April 1937, is a matter that should be entirely left to the Ministers of the time—the Crown's advisors. Proposals for such expenditure can only come from the Crown. I should therefore think that there are serious objections for retaining this proviso in this Bill."

The amendment to omit the proviso to clause 14 was put and carried.

Clause 14, as amended, was put and carried.

Clause 15.

Mr. K. Koti Reddi :—" *For* clause 15, *substitute* the following :—

' 15. *It shall be lawful for the Government to pay to the creditors the amount settled under section* 12, *if any, or under section* 13, *or the amount reduced by agreement of the creditors and realize*

the amount from the debtors in not less than 20 annual equated instalments with not more than 6 per cent per annum interest on the security of the property of the debtor including that set apart for his maintenance.'

"I do not think Government will object to it."

The amendment was duly seconded.

The Hon. Sir K. V. REDDI NAYUDU:—"Sir, this is only trying to put in another form and with some additions the proviso to clause 14 which the House just now rejected. I oppose it."

The amendment was, by leave, withdrawn.

* The Hon. Sir K. V. REDDI NAYUDU:—"Sir, I move—

'*In sub-clause* (1) *of clause* 15—

"(*a*) *In lines* 5 *and* 6, for *the words* '*ought to reasonably accept,*' substitute *the words* '*ought reasonably to accept.*'

(*b*) *In the proviso, in lines* 2 *and* 3, omit *the words* '*the following.*'

(*c*) For *clause* (*iv*)*of the proviso*, substitute *the following clause*:—

(iv) *the onerous conditions, if any, subject to which the loan was granted.*"

(*d*) *In clause* (*vi*) *of the proviso*, for *the word* '*particular,*' substitute *the word* '*particulars*' *and* for *the words* '*board thinks desirable,*' substitute *the words* '*board thinks it desirable.*'

"Sir, these amendments involve only transposition of words and they are merely verbal amendments intended to make the meaning clear. They may be accepted."

12-45 p.m. The motion was duly seconded.

The amendments were put and carried.

Mr. K. R. VENKATARAMA AYYAR:—"The proviso to clause 15 is really not a proviso. It is only an explanation. What is a fair offer is what we seek to explain. Therefore I move that the word 'provided' be omitted in the first line of the proviso and the word 'the' begun with a capital 'T.'"

The motion was duly seconded.

The Hon. Sir K. V. REDDI NAYUDU:—"I do not see any objection."

The amendment was put and carried.

* The Hon. Sir K. V. REDDI NAYUDU:—"I beg to move the amendment that stands in my name, that is—

'*In lines* 3 *and* 4 *of sub-clause* (3), *before and after the words* "*other than a debt incurred subsequent to such agreement*" insert *brackets.*'

29th January 1936] [Sir K. V. Reddi Nayudu]

"If hon. Members will look at sub-clause (3), they will find that brackets ought to be inserted before and after the words 'other than a debt incurred subsequent to such an agreement,' because the idea is that the words 'in respect of which' should refer to the word 'debt' in line 3 of the sub-clause and not to the word 'agreement' in line 4. If the brackets are not inserted, the words 'in respect of which' may refer to 'agreement' and not to 'debt.' Therefore in order to make the meaning clear these brackets are necessary."

The motion was duly seconded.

The amendment was put and carried.

* Mr. G. Rameswara Rao:—"I beg to move the amendment standing in my name, that is—

'*At the end of sub-clause* (3) add *the following*:—

"*and the twelve years fixed in section* 48 *of the Civil Procedure Code, shall be calculated from the date on which all such amounts are recorded as paid by the board.*"'

"The intention in moving this amendment is this: sub-clause (3) says 'any decree passed in such suit . . . etc., shall not be executed, etc., until all amounts recorded as payable under such agreement have been paid.' Therefore it disables a subsequent decree-holder from executing his decree in the usual course according to the rules of Civil Procedure Code. But there comes the question of limitation as to where the starting point should be. That must be made clear. If you want to change the law of limitation or any other enactment of a special nature it is but right that we must provide for the change with a good deal of clarity as to when the limitation begins. But according to the Bill as it stands, a subsequent decree-holder is disabled from executing his decree in the ordinary course, and the decree-holder would be entirely in the dark as to when he should start his execution proceedings. He is not in the know as to when the debts were paid. They might have been paid out of court or they might have been paid directly into the hands of the creditor in accordance with agreement. There is nothing for him even by way of caution to know as to when he is entitled to start the execution proceedings. If a record is maintained by the Board and the Board certifies as to the fact of the payment having been made on a certain date, the decree-holder will be put on guard and he would ascertain when the payments were made, so that he may not find that it is too late since the payments were made or that his execution proceedings are barred by law of limitation, even before he began to take steps. I move the amendment."

The motion was duly seconded.

* The Hon. Sir K. V. Reddi Nayudu:—"I think such an amendment is not necessary. I quite understand that by this amendment the meaning and intention of the clause is made quite clear. The clause as it stands may not carry out the intention. If you allow the parties twelve years' time from the date of recording, it will lead to very many difficulties. A decree might be subsisting for even a larger number of

years than contemplated by the Civil Procedure Code. I think the hon. Member will agree if the period covered by the proceedings before the Board were excluded for the purpose of twelve years limitation. Supposing a decree was passed some nine years before this Act is passed, and there is a period of only three years more for the enforcement of the decree according to the Civil Procedure Code. If the hon. Member suggests that the period of limitation shall count from the date of recording, then it will mean that the decree-holder will have 12 years from that date. That I suppose is certainly not his intention. All that the hon. Member means is that the period during which the party was prevented from executing the decree on account of this Act should be excluded for purposes of the application of the Limitation Act."

* Mr. G. RAMESWARA RAO :—" I want to make it clear as to when the fixed period starts, as to whether it starts from the date when the party comes to know; if not when else it begins to start. That is the difficulty. Therefore I suggest that it shall begin from the date on which a record has been made by the Board."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR :—" I think this question may be taken up when we deal with clause 23. Under section 48 of the Civil Procedure Code, also the time during which a decree is not executable may be excluded. Therefore I think this amendment is not necessary now. I suggest that this amendment may be withdrawn now. When we go to clause 23 we may add a new clause if necessary, and clause 23 deals with the provisions relating to limitation."

* The Hon. Sir K. V. REDDI NAYUDU :—" I am afraid it will not be possible to accept the amendment if it is put in that form. Civil Procedure Code is a Government of India Act and if we want to amend any of the sections thereof, we cannot do so without their special permission."

* The Hon. the PRESIDENT :—" I was simply waiting for such an objection being raised by the Hon. the Law Member. The hon. Member, Mr. G. Rameswara Rao, will bring forward a suitable amendment when clause 23 is taken up."

The amendment was by leave withdrawn.

Clause 15 as amended was put and carried.

Clause 16.

* Mr. K. R. VENKATARAMA AYYAR :—" I think that this Bill has not provided for the cases where a clash might arise between the jurisdiction of insolvency courts and the jurisdiction of conciliation boards under this Bill. Clause 16 provides for a bar of entertainment of fresh suits for recovery of claims or for the execution of decrees already passed. What about the liberty of a debtor or a creditor to apply to the insolvency courts or to apply for the continuance of the proceedings already started in the insolvency courts? That is a matter which has not been provided for in sub-clause (*a*) or (*b*). If the House agrees

29th January 1936] [Mr. K. R. Venkatarama Ayyar]

possibly you may have another clause as clause (c). As the Bill stands there is the concurrent jurisdiction of two courts, viz., one, proceedings before the insolvency courts and the other proceedings before the conciliation board, which would only land the parties in clash and confusion. Therefore before we go forward with this Bill, it is essential that we should make a provision on the lines I have suggested. I mentioned this point to Mr. Ramalingam Chettiyar and he was under the impression that a provision had been made already in this clause. This Bill would be glaringly defective if you do not make a provision like that."

* Mr. T. C. SRINIVASA AYYANGAR:—" While I agree that some provision will have to be made to cover cases referred to by my Friend, Mr. K. R. Venkatarama Ayyar, I desire to say that it cannot be by an amendment of this sort. The existing system of laws dealing with this matter is sufficient. When a debt is not paid the creditor without reference to others, can go to a civil court for the purpose of enforcing his obligation. The insolvency jurisdiction is of a different character. It is not a matter between a single debtor and a creditor but it is a case of universal administration by a trustee on behalf of the whole body of unsecured creditors. Such being the case, any provision that is made shall not create difficulties in the way of insolvency administration and should avoid landing the administration in any chaos or confusion. You cannot say that the Official Assignee shall take charge of so many properties and not other properties. That will conflict with the interests of a large number of creditors. That is a matter which will have to be considered both by the Mover of the Bill as well as by the Hon. the Law Member. As to how far this Bill will or will not be in conflict with the insolvency laws, the Government should make a statement upon the policy involved in the Bill and the intention should be expressed by appropriate amendments. That is a matter which will have to be borne in mind before this Bill becomes law."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—" Sir, I think it is a real difficulty. Suppose a case is before the conciliation board and one of the parties wants to apply to the insolvency court. I fear there will be a possibility under the Insolvency Act of stopping the proceedings before the conciliation board. I thought the wording used in the Bill was sufficiently comprehensive, but now I find that it is not the case. If an amendment can be made now without sending the Bill again for the sanction of the Governor-General especially in view of the fact that it is going to be sent to him ultimately for his assent, I propose that we add a sub-clause as sub-clause (3) that an application in insolvency with reference to a matter in issue before a conciliation board be stayed. I have not examined the matter myself, but if it is thought that such a clause can be added without going to the Governor-General for his previous sanction I would agree to it. Otherwise I would rather have the Bill passed as it is and add it by an amending Bill later." 1 p.m.

* The Hon. Sir K. V. REDDI NAYUDU:—" Sir, I concede that the point raised is very important, but as has already been pointed out

[Sir K. V. Reddi Nayudu] [29th January 1936

various difficulties come in our way. So far as the Government are concerned, they never thought that even the insolvency proceedings would be affected by this Bill. As has been pointed out, the insolvency proceedings are of a larger import than proceedings under this Bill where matters are amicably settled by agreement between the parties. Such being the case, that the whole law of insolvency should be sought to be affected by this Bill is rather a very serious matter. (Diwan Bahadur T. A. Ramalingam Chettiyar: It is only a case of delaying the proceedings.) Not only delaying the proceedings, but for the time being they can be stopped. The Government cannot therefore give any reply to the point at once. For one thing we will have to consider the point. In the second place, although the Provincial Insolvency Act is called a provincial Act it is really an Act of the Government of India and when this Bill was sent to the Government of India for the sanction of His Excellency the Governor-General, this particular provision was not there. The Government of India have no doubt agreed to this clause, but it deals only with civil suits that are to be filed. We cannot say what opinion the Government of India may hold with regard to a clause which proposes to keep the insolvency law in abeyance during the time that proceedings are taking place on a particular matter before a debt conciliation board. It is a large order and as at present advised it is not possible for me to accept the amendment."

Mr. K. R. VENKATARAMA AYYAR:—"I did not move a regular amendment; I only pointed out a difficulty."

Clause 16 was put and carried.

Clause 17.

* Mr. M. DEVADASAN:—"Sir, this clause does not make mention of transfers made before an application is made to a debt conciliation board. Mr. T. C. Srinivasa Ayyangar pointed out some time back that the principles of insolvency law must not come into conflict with the principles which might be accepted in a Bill of this kind. I submit, Sir, that if this clause is accepted there will be serious difficulties. What can a creditor do if a debtor has transferred his property before he makes an application to the conciliation board? Can he go to a civil court? If he wants to go to a civil court, will he not be debarred by the principle of *res judicata*? This point will have to be considered before we accept the principle of the clause. In the case of insolvency proceedings, transfers made within a period of two years before an application for adjudication can be made voidable, but in this case, there is no such provision. This provision will enable an applicant before a conciliation board to transfer his property before he files an application to the board and thus defeat or delay the claims of his creditors. On the other hand it does not in any way afford protection to the creditors. So I suggest that we must provide that transfers made within a period of two months before an application is

29th January 1936] [Mr. M. Devadasan]

made to the board can also be made voidable in the same way as transfers made after an application is made to the conciliation board. Therefore I move—

> '*After the word* " *debtor*" *in line* 2, insert *the following*: — " *within two months before an application was made and* ".'

I think I have made only a modest request and I am sure that both the Hon. the Law Member and the hon. the Mover of the Bill will accept my amendment. Even two months is not a sufficient period; at least one year should be the period, but as I feared that the hon. the Mover of the Bill might not agree to it, I have put the period as short as two months. With these words, Sir, I move the amendment."

The amendment was duly seconded.

* The Hon. Sir K. V. Reddi Nayudu:—" Sir, I do not quite see how the clause as amended will read. It will be—

> 'Every transfer of property made, with intent to defeat or delay the creditors of the debtor, within two months before an application was made and after an application has been made to a board. . .'

So far as this amendment is concerned, Sir, I must say that there is some point in it, but I do not know whether the amendment proposed will meet the case. The object of the hon. Mover of this amendment is to prevent transfers of property by debtors made with fraudulent intention some time before an application is made to a conciliation board. But it would be difficult to prove that a person some time before making an application to a debt conciliation board transferred his property with fraudulent intention. But both in the Transfer of Property Act and the Insolvency Act there are some provisions and some periods are fixed. I would like the hon. Member to look into those Acts and examine how far the proposed amendment affects those two Acts. The matter requires some more consideration and I suppose the hon. Mover will have no objection to the question being postponed till after lunch."

* Mr. T. C. Srinivasa Ayyangar:—" Sir, may I suggest one or two more points which may be considered before a conclusion is come to on the amendment? In the first place, clause 17 itself requires consideration. In the Transfer of Property Act there is a general provision that transfers of property made with intent to defeat or delay the creditors is voidable by the creditors. That remedy which is given is on behalf of creditors who are defeated or are likely to be defeated. The avoidance must be a representative action. That is the general principle of law. There are also remedies provided in the Insolvency Act, where irrespective of fraud or the likelihood of defeating or delaying the creditors, the trustee or assignee in insolvency is given, in the interests of the general body of creditors, a right to void certain alienations which are made within a particular time before the vesting order is made. That principle of law is irrespective of

any consideration of fraud. A right is also given to avoid certain transactions of objectionable character. These are provisions which exist now. Clause 17 contains merely a bald statement. It says:

'Every transfer of property made, with intent to defeat or delay the creditors of the debtor after an application has been made to a board under section 4 . . . shall be voidable at the option of any creditor so defeated or delayed.'

Unless a new right is sought to be introduced or provided for, for the purpose of this Bill, I do not see the necessity for a provision like this, as the general law contains provisions for necessary remedies. Is it the intention that a suit should be able to be maintained by a single creditor instead of in a representative action as is at present possible? Would it be within the means of a single creditor to file such suit? Again, supposing a creditor brings an action and fails, can another creditor, not a party to the prior action, not bring a second action? In that case it would be very oppressive. Therefore the very provision made in clause 17 deserves consideration from all aspects whether it should exist at all and if it is intended to create a new right and if so, whether it has been adequately qualified. Then the principle contained in the amendment moved by Mr. Devadasan should also be considered. If that amendment is carried, unless a suit is brought within two months of the transfer an artificial validity is conveyed by a bar of limitation to even fraudulent transfers. For if a man were to sue on the 61st or 62nd day, then his suit will not be maintainable and the transfer of property made with fraudulent intention will be made valid. (Interruption.) You and I know how many suits have failed merely because they were late by 24 hours. For all these reasons, I submit that the whole clause, not merely the amendment, requires further consideration."

* Diwan Bahadur T. A. Ramalingam Chettiyar:—" Mr. President, Sir, I fear there is, shall I say, a want of understanding of the purport of this section. The section provides for cases in the nature of *lis pendens*. Ordinarily, under the Transfer of Property Act, when proceedings are taken before a court with regard to a certain property, any transfer of the property made during the course of the proceedings will not be binding on the other parties. But that is the ordinary civil law. So something of that nature ought to be provided for. This is a provision only to that extent and nothing more. That is why it is provided that transfers made during the period that an application is pending before a conciliation board is voidable at the option of a creditor. Section 53 of the Transfer of Property Act would not apply to such cases."

The Hon. Sir K. V. Reddi Nayudu:—" It is not merely a case of *lis pendens*."

* Diwan Bahadur T. A. Ramalingam Chettiyar:—" In ordinary cases of *lis pendens*, any transfer of a property that is the subject of a suit will be subject to the decision of the court in the suit. That is the law. But in this case, the debtor goes before the board of conciliation and all his properties are supposed to be under the jurisdiction of

29th January 1936] [Mr. T. A. Ramalingam Chettiyar]

the board. If he wants to make any transfer of his property during the time his application is under the consideration of the board, the transfer will be subject to the rights of the creditors under section 16. We have to make some provision to safeguard the interest of the creditors. Otherwise during the pendency of these proceedings, all the properties may be disposed of. So, it is proposed that during the pendency of the application, no valid transfer could be made so as to affect the creditors. If my hon. Friends will look at the provision from that point of view, they will see that the provision is necessary and is not covered by any other clause in this Bill. This special provision is necessary in this case." 1-15 p.m.

* Mr. G. RAMESWARA RAO:—" Mr. President, I would request the Hon. the Law Member to examine sections 53, 54 and 55 of the Provincial Insolvency Act and sections 51 and 52 of the Transfer of Property Act and to see how far this provision will fit in with the rest. The hon. Mover of the Bill wants that every such transfer shall be voidable at the option of one of the creditors. No provision is made for a transaction on the eve of insolvency though it provides for a transaction subsequent to the date of filing of the application. Even then it does not conform to the principle underlying the Insolvency Act. It is quite essential that the provisions of the Provincial Insolvency Act and of the Transfer of Property Act, I referred to above, should be examined. This is a matter in which no limitation is prescribed. If the court deems it fraudulent, it might deem it void. As has been observed by my hon. Friend, Mr. Srinivasa Ayyangar, this clause provides for a series of suits at the instance of each of the individual creditors to harass the debtor or his alienee time after time till the end of eternity; if one suit fails, another suit may be brought. If a transfer is considered not fraudulent, it must be decided once for all and no second agitation should be allowed on the point. The provision here that every transfer shall be voidable at the option of any creditor, encourages multiplicity of suits and there will be no end to litigation. There will be much harassment of the debtor. I request the Hon. the Law Member to examine the various sections on the subject and put forward a favourable draft so that there will be no more difficulty."

* Sriman M. G. PATNAIK Mahasayo:—" Sir, in the course of discussion of this Bill, so many defects have come to light. The Hon. the Law Member says that these defects cannot be rectified without the sanction of the Government of India. If the sanction of the Government of India is necessary, it must be obtained and there is no use of passing unsatisfactory legislation. This is a very important measure and the administration of this Act is going to be beset with various difficulties. I think that we should not allow this Bill to be passed at all. The best thing is to examine carefully all the provisions and to remedy all the defects, with the sanction of the Government of India, if necessary. Without that being done, there is no use of rushing through this Bill. I do not know how the defect in this clause escaped the notice of all persons. Unless the arbitration pro-

ceedings are binding on the debtor and the creditor, the whole scheme of the Act is useless. Now, nobody will seek the assistance of the conciliation board; people would rather go to the Insolvency Court and file a suit, instead of seeking the assistance of the conciliation board. If the Legislature or the Government or the author of the Bill wants that this provision should help the people, all these defects must be rectified. There is no good of proceeding with this measure with all its defects, apparent on the face of it. I strongly urge that this Bill should be carefully examined with reference to all the provisions suggested by my hon. Friend, Mr. Rameswara Rao. Otherwise, there will be proceedings running parallel to one another in different courts. What is the good of that? Nobody wants that state of things to exist. We know the defects of the measure; even at this late stage, let us try to remedy them."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR :—" I suggest that the consideration of clause 17 might be postponed, till after lunch."

This suggestion was agreed to by the House.

Clause 17-A.

* The Hon. Sir K. V. REDDI NAYUDU :—" Sir, I beg to move the amendment standing in my name :—

' For *clause* 17-*A* substitute *the following clause* :—

" 17-*A*. *Any alienation of land for a fair price made in pursuance of or to carry out the agreement mentioned in section* 12 *shall not be considered as a fraudulent preference under the Presidency Towns Insolvency Act,* 1909, *and the Provincial Insolvency Act,* 1920, *nor shall such alienation be voidable under section* 53 *of the Transfer of Property Act,* 1882 ".'

This is merely recasting the clause with a view to make the meaning clearer."

Mr. G. T. BOAG :—" I second it."

* Mr. G. RAMESWARA RAO :—" Sir, I would say that alienation that is made permissible ought to be safeguarded by giving notice to all the creditors. The transfer may be a nominal one or it may be a fraudulent one. Inasmuch as this clause deprives the ordinary courts of their powers to give a finding on the merits of the case, the alienation should not be considered good, unless it is permitted after notice is given to all the creditors. If notice is given to all the creditors, the land will fetch its best value and the creditors may be satisfied to the fullest value of the land. Then only, the alienation will be above criticism in any court of law which is seized with jurisdiction over such matters. I urge that the words ' after notice to all the creditors ' should be added after the word alienation in line 1. If notice is given to all the creditors, any one of them may offer the highest price for the land; in that case, both the creditors and the debtor will be benefited. I hope the Hon. the Law Member will see the justice of my statement; if it is

29th January 1936] [Mr. G. Rameswara Rao]

intended that the land must fetch its highest value, the purpose will be best served by effecting alienation after notice is given to all the creditors concerned. With these words I move the following amendment standing in my name:—

'*After the word* "*alienation*" *in line* 1, add *the following*:—
"*after notice to all the creditors*".'"

* Mr. T. C. SRINIVASA AYYANGAR:—"Sir, I second the amendment. I desire to invite the attention of the House to the original clause 17-A as well as to the clause sought to be substituted by my Hon. Friend, the Law Member. In both the cases the provision is this; if a decision were arrived at by conciliation by the board, any alienation for a fair price made in pursuance of or to carry out the agreement mentioned in section 12 shall not be considered as a fraudulent preference. The transfer may be without the permission of the board or without adequate notice to the parties concerned; otherwise the property sought to be transferred might have fetched a higher price; the creditors will be prejudicially affected if notice is not given to them. My friend, Mr. Rameswara Rao, has brought forward this amendment to see that assurance of a fair transfer is given and at the same time the possibility of litigation against the transfer is also avoided. Where is the guarantee that the transfer is bona fide without the sanction of the board or that the price fixed is fair unless the people who are affected by the transfer have an opportunity of saying whether the price is fair or not?"

The House then adjourned for lunch.

(After Lunch—2-30 p.m.)

New clause 12-*B*.

* The Hon. the PRESIDENT:—"We shall now take up new clause 12-B as proposed by Mr. Krishnayya Choudari."

* The Hon. Sir K. V. REDDI NAYUDU:—"May I make a statement on that point, Mr. President, before we proceed? I am told that I was not clear this morning and so, I want to make the position quite clear. So far as sub-clause (2) is concerned, it will have to be withdrawn; otherwise, I am afraid the Government cannot agree to the new clause. So far as the first sub-clause is concerned, the Government would agree to it provided a date is fixed, the principal on which date will be the guiding figure for purposes of doubling, etc."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, I also mentioned this morning that the understanding the other day was that of the two sub-clauses here, the second would be withdrawn. The Hon. the Law Member has just now stated that there should be a modification of the first sub-clause also, with reference to the date. Even though Mr. Krishnayya Choudari and I think that such a course would not give relief to as many people as we want, still, out of

[Mr. T. A. Ramalingam Chettiyar] [29th January 1936

deference to the views expressed by the Hon. the Law Member and to facilitate a settlement of the question, I shall move the amendment that has just been circulated to Members. It is in these terms:—

'*In the amendment of Mr. P. V. Krishnayya Choudari, to insert a new clause 12-B, in paragraph* (1), *at the end,* omit *the words* "*of the principal*" *and* substitute *the words* "*due on the 1st of June* 1933".'

I also formally move that the second sub-clause of Mr. Krishnayya Choudari's amendment may be omitted. As I said, Sir, it is only as a compromise that I am moving this amendment."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, last time when we discussed this question, the hon. Member informally accepted the first portion of my amendment; and it was also agreed that I should withdraw the second portion. This morning, however, he stated that it would be desirable to have some date fixed; but if the date is to be fixed in respect of the first portion of my amendment, I am afraid the amendment will serve no useful purpose at all."

* The Hon. the PRESIDENT:—"Is the hon. Member opposing the amendment moved by Mr. Ramalingam Chettiyar?"

Mr. P. V. KRISHNAYYA CHOUDARI:—"I am not opposing; I am just appealing to the Hon. the Law Member. . . ."

* The Hon. the PRESIDENT:—"My difficulty is that the amendment has not been seconded yet. If the hon. Member will first second it and then proceed, that will be better."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second the amendment, Sir."

Mr. P. V. KRISHNAYYA CHOUDARI:—"If it is now proposed to fix a date in regard to the first portion of the amendment"

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I am sorry, Sir, I have to modify my amendment slightly. We were thinking only of past debts; this bill will apply for the future also. I, therefore, beg leave to withdraw my amendment. I shall move a fresh one."

The amendment was by leave withdrawn.

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, I move the following amendment:—

'Omit *sub-clause* (2) *of new clause* 12-*B* (*as proposed by Mr. P. V. Krishnayya Choudari*), *and* add *at the end of sub-clause* (1) *the following*:—

"*and if the debt was incurred before the first day of June* 1933 *twice the amount due on the first day of June* 1933"'."

Mr. K. R. VENKATARAMA AYYAR:—"I second that amendment."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Before I withdraw the second portion of my amendment, I want to appeal to the Hon. the Law Member to accept it, for the benefit of the people. When once

we agree to fix a date in regard to debt conciliation, there is no reason why we should not agree to the second portion of my amendment. If, however, he cannot agree to it, I withdraw that portion."

* The Hon. the PRESIDENT:—" Will Mr. Ramalingam Chettiyar read out his amendment once again? "

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—" Mr. Krishnayya Choudari's original amendment reads thus:

'*Insert* the following as new clause 12-B:—

" 12-B. In any scheme of debt conciliation under this Act, no creditor shall be allowed a greater amount in satisfaction of both principal and interest than twice the amount of the principal ".'

" The whole of it will remain. We then add the following to it:—

'and if the debt was incurred before the first day of June 1933, twice the amount due on the first day of June 1933.'

* The Hon. Sir K. V. REDDI NAYUDU:—" Of course I accept the amendment; but I am afraid the wording is not quite clear, to carry out the full intention that is agreed upon. The intention, as far as I understand, is this: that in regard to debts which had already been contracted before that date, their figure will be that which was due on that date, and the settlement should not be for an amount exceeding twice that amount. In the case of moneys lent subsequent to that date, the figure will be the amount of the principal, beyond doubling which the board cannot go. That being the intention, I am not quite clear whether the word 'and' after the word 'principal' will carry out the meaning. Therefore, I submit that subject to drafting and provided the intention is carried out, I agree to this." 2-45 p.m.

* The Hon. the PRESIDENT:—" I think the House is ready for a vote. The question is—

'Omit *sub-clause* (2) *of new clause* 12-*B* (*as proposed by Mr. P. V. Krishnayya Choudari*), *and* add *at the end of sub-clause* (1) *the following*:—

" *and if the debt was incurred before the first day of June* 1933 *twice the amount due on the first day of June* 1933 ".' "

The amendment was put and carried.

Raj Kumar M. A. MUTHIAH CHETTIYAR of Chettinad:—" Mr. President, I beg to move the amendment standing in my name, namely—

'*in the amendment of Mr. Krishnayya Choudari,* add *the following at the end*:—

" *Provided that in cases where any debt was renewed, the amount of the renewed debt shall be the amount of the principal* ".'

[Mr. M. A. Muthiah Chettiyar] [29th January 1936

Sir, the object of moving this amendment is this. I agree with the clause that the debtor should not be made to pay more than double the amount; but the question is how this double amount should be computed. I think the legislature should at this stage itself make it very clear how they want to apply this principle. I shall illustrate it. Suppose a person borrowed in 1900 a sum of Rs. 1,000 under a mortgage and paid interest of a few hundred rupees and has not paid the principal, but renewed the bond somewhere about 1910 and again somewhere in 1920. A suit is filed in 1926. It may be that a suit is filed for Rs. 4,000 and another for Rs. 500 for interest. Is it open to the debtor to say that he borrowed only Rs. 1,000 in 1900? Under the provisions of this enactment, is he bound to pay Rs. 2,000, though he had paid interest during the previous 26 years even more than Rs. 2,000 and claim a further repayment from the person who lent the money first? I shall just illustrate an extreme case. Even assuming the whole transaction is re-opened from the beginning, it will come to more than Rs. 2,000 and wherever it is renewed, the renewed amount should be made the capital. There may be instances where the debtor might have paid a certain portion of interest and for the rest executed a renewed bond. Is it not fair that the amount becomes the principal; and if the debtor had returned the entire amount, the creditor would certainly have lent that amount to another person and earned interest in respect of the whole transaction. After all, one has to be careful that a suit is not filed for more than double the amount mentioned in the document. That is the object of the amendment. I do not think I am cutting against the main provisions of the bill in regard to the time-limit."

* Mr. T. C. SRINIVASA AYYANGAR:—"I second the amendment, Sir. There is something to be said for and something against this amendment. There is necessity for introducing a provision like this. We are familiar with the transactions which are known as tavanai transactions, i.e., deposits which are renewed regularly after fixed intervals. That being so, the question would arise what is the meaning of the words 'amount of principal.' It will be a matter of difficulty if the same firm continues to keep the deposit renewing it; and are we to take the original loan or the amount of loan which stands at the third or fourth renewal. Here, the wording as it is, is likely to drive people into court much quicker than they would otherwise do. In the circumstances, the amendment deserves to be considered."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Mr. President, I am sorry that the very object of the amendment proposed by my hon. Friend, Mr. Krishnayya Choudari, will be defeated by accepting the amendment now sought to be introduced. What will be done is, every six months there will be a renewed pro-note and interest will be added on to the principal. So, the result will be that the rule which is supposed to apply to the benefit of the debtor will apply to his detriment because the creditor will try to take new pro-notes. I think it will be most subversive of the very object of the Bill if this amendment is accepted. I do not think we are going to do any good

by this Bill if we are going to accept such amendments. I would much rather prefer the dropping out of the whole amendment rather than accept this amendment. It is a dangerous thing to which Mr. Satyanathan in his report has referred. He refers to a case of Rs. 100 lent after a time swelling to Rs. 4,000 by adding interest to the principal and going on renewing the pro-note. It is to avoid such things that we want legislation."

* Mr. K. R. VENKATARAMA AYYAR:—"Mr. President, if you want to give effect to the principle of damdupat, it is no use recognizing these tavanai transactions of accumulating principal and interest, as it would mean the very negation of the law of damdupat. If relief is sought to be given to agriculturist debtors, then obviously there can be no play for this sanctity of compound interest. If on the other hand, you think there should be the freedom of contract between the lender and the borrower, then you must get rid of the ancient rule of damdupat as obsolete and out-of-place in modern times. Real benefit could be secured to these agriculturists only by a wise adjustment of the ancient rule of damdupat to modern conditions. On the one hand, you should not make it impossible for them to get loans by erecting too stiff a barrier of a moral standard; on the other hand you should try to relieve them against transactions which in their nature tend to be usurious. Now, the fair way to reach a result is by adopting some such compromise as after considerable cogitation and exchange of ideas we have been able to reach this morning. I think we have reached a wise solution when we have adopted this law of damdupat in part. Now to go back to the idea of upholding tavanai transactions is, I think, to deal a death-blow to what we have already agreed about."

The Hon. Sir K. V. REDDI NAYUDU:—"Sir, I think the amendment which has just now been passed after an agreement on both sides is a sufficient protection to the creditors and I feel that no further protection is justified."

Raj Kumar M. A. MUTHIAH CHETTIYAR of Chettinad:—"Sir, the Hon. the Law Member said that the amendment which has just now been passed is a sufficient protection. I only wish to remind the House that that protection is only with regard to transactions up to 1933, but what about transactions or suits which may be filed in 1940?

"Then, Sir, with regard to what has been stated by the hon. Member from Madura who knows '*tavanai*' transactions so much, I am very sorry to differ from him as to his interpretation of '*tavanai*.' With his long experience, I am sure he would have seen cases where '*tavanai*' transaction is considered very sacred; and in regard to date as to the payment of interest, it is considered to be the date on which interest automatically accrues or the principal and interest is paid. I am not referring to '*tavanai*' alone because it is peculiar to a community of bankers who are accustomed to banking transactions and who are very careful about keeping credit on particular dates of payment; but I am referring to ordinary transactions which are covered by mortgages. Even in such cases there will be hardship felt. That is the object of my amendment."

[29th January 1936

* The Hon. the PRESIDENT:—" I will put the amendment to the vote of the House. The question is—

'*In Mr. Krishnayya Choudari's amendment,* add *at the end the following words*:—

"*Provided that in cases where any debt was renewed, the amount of the renewed debt shall be the amount of the principal.*" ' ".

The amendment was put and lost.

New clause 12-B as amended was put and carried.

Clause 17.

* The Hon. the PRESIDENT:—" Clause 17 (Mr. Devadasan's amendment is now under consideration).

Mr. G. RAMESWARA RAO:—" Clause 15, Sir."

* The Hon. the PRESIDENT:—" I think the understanding was that when we go to clause 23, a suitable amendment might be proposed for clause 23 and not clause 15. I saw notice of an amendment given by the hon. Member. He can deal with it when we come to clause 23."

* The Hon. Sir K. V. REDDI NAYUDU:—" Sir, I think clause 17 is quite all right provided my amendment is carried. My amendment is only a reproduction of the words in the Central Provinces Act which have been omitted from the clause. Hon. Members will see that some dots are put in in the Bill; i.e., after the words 'Every transfer of property made, with intent to defeat or delay the creditors of the debtor, after an application has been made to a board under section 4.' Then you find some dots; that portion has been removed by the Select Committee that is the portion which is found in the Central Provinces Act. Those words are 'and until the agreement registered in pursuance of which application has been fully carried out." That is, you limit the period to the close of the proceedings in the arbitration courts. If we omit that portion, it would mean that the clause will apply for all time, even after the proceedings are closed. In order to save that, I move the following amendment of which I have given notice, namely:—

'After *the words and figure* " *under section* 4 ", insert *the words*—

3 p.m. *and until the agreement registered in pursuance of such application has been fully carried out* ".' "

* The Hon. the PRESIDENT:—" But it has been agreed that amendment 51-A moved by Mr. Devadasan should be considered."

* The Hon. Sir K. V. REDDI NAYUDU:—" Yes, Sir, I am coming to that. If my amendment is accepted no further amendment would be necessary and the two months rule will be a very difficult one. My reasons are these."

* The Hon. the PRESIDENT:—" There is no difficulty in discussing the two amendments together."

29th January 1936]

* The Hon. Sir K. V. REDDI NAYUDU:—"My submission is this: Government cannot accept the amendment of Mr. Devadasan for this reason: In the first place we have got the Transfer of Property Act. We have also got the provisions of the Provincial Insolvency Act. I am afraid that to incorporate such a provision also in this Bill would lead to difficulties. After all to give jurisdiction to this Board to enter into the question of fraudulent transactions or otherwise of transactions that took place even before the matter came up before this Board would be giving them a jurisdiction which would not be justifiable: It is enough in the opinion of the Government that they are given power only in regard to transactions that have taken place while the matter is pending before this Board on the principle of the doctrine of *lis pendens* and certainly the existing provision would cover such cases. It means this. During the period these proceedings are pending before this body created under this Act for all practical purposes it will be considered a court. In other words to alienations made when the proceedings are pending before this Board the doctrine of *lis pendens* will apply and any extension of the period would not be justifiable. I therefore oppose the amendment moved by Mr. Devadasan. I move my amendment."

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

* The Hon. the PRESIDENT:—"The two amendments before the House are these: The first is the amendment of Mr. Devadasan, i.e.—

> 'After *the word* "debtor" *in line* 2 insert *the following*:—
> "*within two months before an application was made and*".'

"The Law Member's amendment is as follows:—

> 'After *the words and figure* "*under section* 4" insert *the words* '*and until the agreement registered in pursuance of such application has been fully carried out*".'"

* Mr. T. C. SRINIVASA AYYANGAR:—"Sir, I quite agree now with my Hon. Friend, the Law Member. I say this as I raised a doubt this morning. The matter has been to a certain extent set at rest. He says this is a special remedy given to cover a possible set of new cases, and that this Court, namely, the Board of Conciliation will not usurp the functions of the ordinary Civil Courts under the Civil Procedure Code or the authorities under the provisions of the Presidency or Provincial Insolvency Acts. But if cases of fraudulent alienation which may be made between the date of the presentation of the application and the final adjudication of application by the Conciliation Board do come to light they must be capable of being relieved by a less costly and less cumbersome procedure. The Hon. the Law Member's amendment fixes the time-limit to that extent and it is a very agreeable amendment. It is necessary in these circumstances that the remedy so provided should be capable of being given by the Board of Conciliation itself on application. I therefore move my amendment—

> 'For *the words* "*shall be voidable at the option of any creditor so defeated or delayed*" substitute *the following*:—
> "*shall be voidable by order of the Board on application by the creditors so defeated or delayed.*"'

[Mr. T. C. Srinivasa Ayyangar] [29th January 1936

"The amendment which I now move is for two possible reasons. One is it is not voidable by an application on the part of any single creditor. Else another creditor may again move and thus there may be endless succession of applications. To avoid successive applications the amendment provides for application on behalf of all creditors. In such applications all may join or some may move giving notice to others and such a procedure may be provided for by rules. Therefore along with the amendment of the Hon. the Law Member, the amendment I move will have the desired effect of limiting the jurisdiction and at the same time conferring jurisdiction upon the Board to avoid fraudulent transactions, by the summary process of applications."

Mr. P. PEDDI RAJU:—"I second it."

* Mr. K. R. VENKATARAMA AYYAR:—"I desire to associate myself with the Law Member's amendment. The object of this legislation is to leave unaffected as far as possible the general law in the ordinary proceedings before the civil courts. The object of this legislation is as far as possible to regulate the proceedings and procedure before the Board of Conciliation specially set up under this Act. In that view, any provisions which are in the nature of substantive law must be so framed as not to outstep the needs of the special legislation. We are enacting in a general way by way of amendments to various well-known provisions already existing in the statute law principles embodied in those provisions. We have only to provide against particular cases of mischief of fraudulent transfer after the initiation of proceedings for the settlement of a debtor's debts. That particular mischief is sufficiently provided against by the enactment of a clause such as is now put in under clause 17 with the amendment introduced by the Hon. the Law Member. You limit the provision to the particular case of fraudulent transfer after the initiation and before the completion of proceedings under this Act. That ought to be the limited purpose for which such a clause ought to be enacted. Then the question naturally arises who is the authority by resorting to whom this avoidance of the fraudulent transfer is effected. If you left it unspecified, which you would have done but for Mr. Srinivasa Ayyangar's amendment, the final authority would be the ordinary civil court without resorting to which you cannot fulfil the purpose. That would mean dilatory legal proceedings. Side by side you would have to institute parallel proceedings before the ordinary civil court for the avoidance of fraudulent transfer. That would introduce embarrassment and cumbersomeness which ought to be avoided. It is for that reason Mr. Srinivasa Ayyangar's amendment specifies that the avoidance must be by the Board on a summary application made under the rules according to which notice may be issued to the other creditors. I think in the light of these observations the House may proceed to vote."

* Sriman M. G. PATNAIK Mahasayo:—"The Hon. the Law Member explained that it is only a summary jurisdiction given to the conciliation board. So questions of validity of fraudulent transactions might not be considered by that Board and my friend, Mr. T. C. Srinivasa Ayyangar, accepted that proposition. If so I do not see how he can now ask for fraudulent transaction being set aside by the Board

29th January 1936] [Sriman M. G. Patnaik Mahasayo]

itself. Of course the clause referred to simply says that the right is given to a creditor or creditors to move the appropriate court of law to set aside any alienation made during the pendency of the proceedings before the conciliation board. If that is so I absolutely see no reason why the board should go into the complicated question whether an alienation is fraudulent or not. If you want to invest the board with any such jurisdiction I think the board also should be empowered to go into the question of any fraudulent transaction previously made, before the application. Why should this conciliation board be empowered to consider the question of transfers during the pendency only? It is not all transfers but only such transfers as have been made with a view to defeat or delay the creditors that come within the clause. The question will have to be gone into by the conciliation board. If the board decides one way or the other the next question will be, will there be an appeal and if so to whom? So unless all these things are provided for I do not think this amendment will be of any use. My friend has also stated that there should not be a number of applications but all the creditors who are so defeated or delayed must join. That is another difficulty. Of course one person cannot do it. Therefore there will have to be a regular enquiry by the board; a new civil court will have to be constituted. So on these grounds the enquiry into the transfer will become very cumbersome. Then the scheme of the Act is that the execution should be left to the ordinary court.

" If that is so, I do not see why the amendment of Mr. T. C. Srinivasa Ayyangar should be accepted, especially when he has accepted the principle laid down by the Hon. the Law Member. He said it was only a summary procedure, that the application of the doctrine of *lis pendens* should be provided for on the lines on which relief had been afforded under the Central Provinces Act and that only the limits of the period have been fixed and not the way in which it should be worked out. Therefore, I oppose the amendment." 3-15 p.m.

* Mr. M. DEVADASAN :—" Mr. President, Sir, I feel I am bound to make my position clear, and in doing so I oppose the amendments moved by Mr. T. C. Srinivasa Ayyangar and the Hon. the Law Member. I submit, Sir, that the alienations referred to in that clause relate to the transfers of property during the pendency of the proceedings before the board. What is sought to be achieved by my amendment is to protect the creditors against alienations or transfers of property which one might be tempted to make before he resorts to the conciliation board. So far as the petitioner is concerned, there is less room for him to do mischief after he resorts to the conciliation board. But if this principle is accepted, there is greater room for mischief being done. When we take up the case of any petitioner, either debtor or creditor, we always consider and examine the outstanding assets and liabilities of any petitioner before the application is made and then work out a settlement. It is the duty of the Members of this House to prevent any petitioner from doing mischief even before he resorts to the conciliation board, and we cannot confine our assumptions only to cases of mischief, as my hon. Friend, Mr. K. R. Venkatarama Ayyar, said, which one might feel tempted to do during the pendency of the

[Mr. M. Devadasan] [29th January 1936

proceedings before the conciliation board. Once he resorts to the conciliation board, he has to obey the conciliation board and then he cannot do so much mischief as he can before he resorts to the conciliation board. The question of *lis pendens* is applicable to transfers made during the pendency of proceedings before the board. If the principle is accepted, there is no necessity for a clause of this kind at all. Apart from my amendment, I think the whole question will be solved in this way. If we remove the words 'after an application has been made to a board,' then it will read that any transfer made either before or after application is made to the board shall be voidable at the option of any creditor or debtor so defeated or delayed. In that case, the clause can be made more comprehensive, and there cannot be any possibility of any mischief being done either before or after one resorts to the conciliation board. With these words, I oppose the amendment."

* The Hon. the PRESIDENT:—" Is the hon. Member pressing his own amendment? "

Mr. M. DEVADASAN:—" Yes, Sir."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—" Sir, I have already said that the idea of this provision was to introduce something in the nature of the provision in the Transfer of Property Act relating to *lis pendens*. I also said that it was not the intention that this section should take the place of the provisions in either the Transfer of Property Act or the Provincial Insolvency Act with reference to the avoidance of fraudulent transactions. This will not affect them in any way. So, my hon. Friend, Mr. Devadasan, will realize that there will be no need whatever for introducing his amendment, viz., that any transfer within two months prior to the application should be void, because the ordinary provisions in the Insolvency Act will remain, and if any insolvency petition is filed, the provisions in the Insolvency Act will also apply. He also said that if the words 'after an application has been made to a board' are removed, he would have no objection. Then, there will be no need for the clause at all, because the clause as it will then stand will be covered by the Transfer of Property Act.

" This is only by way of introducing the principle of *lis pendens*. If it is so, then the question will be asked, why do you want to introduce the clause when there is a clause which refers to *lis pendens* in the Transfer of Property Act. It may be seen that it is only to the transfer of the suit properties that the section of the Transfer of Property Act will apply. A transfer will not be binding on the other parties to the suit. That is the provision in the Transfer of Property Act. Here the persons come before the board and not the properties. It cannot be said that the immovable property is the subject-matter of litigation here. So, the *lis pendens* in the Transfer of Property Act will not apply. That is why we wanted that some provision should be made in this Bill of the nature of *lis pendens*. Such being the case, as was explained by Mr. K. R. Venkatarama Ayyar, we want to make it as much limited to the object of the Bill as possible. That is why to the extent necessary we have made it applicable, and the present

29th January 1936] [Mr. T. A. Ramalingam Chettiyar]

amendment of the Hon. the Law Member reinstating the Central Provinces provision will make that object quite limited to the four corners of the Bill, namely, during the time an application is pending before the board and an agreement is entered into and worked out. Only during that time this provision will apply, neither before nor after. So, it is confined to the strict limits of the objects of the Bill, and no objection can be raised on that score.

"Then, the question was raised, why do you want to give power to the board for that purpose under the amendment proposed by Mr. T. C. Srinivasa Ayyangar? Otherwise, what will happen? There will have to be a regular suit in the civil court. Our object is to have a summary remedy and avoidance of expenditure. Both these objects will be frustrated by allowing recourse to ordinary suits in a court of law. That is my answer to Mr. Patnaik when he objects to jurisdiction being given to the board for settling this matter. After all, the board is going to decide only questions of transfer after the application is filed and before an agreement is come to and is worked out. Such being the limitation of the jurisdiction that is given to the board, I beg to submit, Sir, this is a case in which speedy remedy and speedy decision are absolutely necessary, the provisions of this Act cannot be otherwise worked out at all. Under those circumstances, I oppose the amendment proposed by Mr. Devadasan and accept the other two amendments proposed by the Hon. the Law Member and Mr. T. C. Srinivasa Ayyangar."

* The Hon. Sir K. V. REDDI NAYUDU:—"I have only to add that the arguments advanced fully show the need for my amendment and that of Mr. T. C. Srinivasa Ayyangar, and the reason why we cannot accept the amendment of Mr. Devadasan. I have only to say this, namely, that the object of this clause is for the purposes of this Act alone. It will not affect the Transfer of Property Act. It will not affect the Provincial or the City Insolvency Acts. It is intended only for the purpose of removing difficulties that may arise in the course of the proceedings in these boards. For instance, if a debtor should, while the proceedings are pending before the board, transfer his property and thereby creates difficulties for the board in its attempt to settle the debt and make arrangements for its discharge, this clause will apply. Under those circumstances, Sir, the Government will not object to the amendment of Mr. T. C. Srinivasa Ayyangar."

* The Hon. the PRESIDENT:—"I think the House is ready for a vote. I will first put Mr. Devadasan's amendment."

Mr. M. DEVADASAN:—"In view of the explanation of the Hon. the Law Member, I beg leave to withdraw my amendment."

The amendment was by leave withdrawn.

* The Hon. the PRESIDENT:—"I will put the Hon. the Law Member's amendment to the vote of the House. The question is:

'*After the words and figure* "*under section* 4," insert *the words* "*and until the agreement registered in pursuance of such application has been fully carried out*".'"

The amendment was put and carried.

[29th January 1936

* The Hon. the PRESIDENT:—" Mr. T. C. Srinivasa Ayyangar's amendment is for the vote. The question is:

' For *the words* " *shall be voidable at the option of any creditor so defeated or delayed,*" substitute *the following*: " *shall be voidable by order of the board on application by the creditors so defeated or delayed* ".' "

The amendment was put and carried.

Clause 17 as amended was then put and carried.

Clause 17-*A*—cont.

Consideration of the amendments of the Hon. Sir K. V. Reddi Nayudu and Mr. G. Rameswara Rao, moved before lunch, was resumed.

Mr. G. RAMESWARA RAO:—" After the agreement come to between the Hon. the Law Member, myself and Mr. T. C. Srinivasa Ayyangar, I do not press my original amendment No. 55 which I moved before lunch."

The amendment was by leave withdrawn.

* M. T. C. SRINIVASA AYYANGAR:—" Sir, in the amendment to clause 17-A moved by my Hon. Friend, the Law Member, I move—

' Insert *the words* " *with the sanction of the board* " *after the words* " *a fair price made.*" '

I may at once mention the object of the amendment. Clauses 17 and 17-A should be read together. For the purpose of the efficient functioning of the Act and relief to be given, bona fide transfers should be protected. It is to avoid any fraudulent transfer that clause 17 was enacted. Now clause 17-A carries out the converse idea. That is, if any bona fide alienation has been made for a fair price for the purpose of carrying out the agreement that might have been arrived at and to give effect to it and also with the permission of the board, no court whether functioning under the Provincial Insolvency Act or the Presidency Insolvency Act taking cognizance of a suit under section 53 of the Transfer of Property Act shall call this alienation into question, because the provision for approval of the board would guarantee the propriety of the transfers. If it is to avoid any collusive transfer that the amendments were proposed by Mr. G. Rameswara Rao, that object has been achieved by the insertion of this expression ' with the permission of the board.' "

The motion was duly seconded.

3-30 p.m. * The Hon. the PRESIDENT:—" The motion is:

' *In the amendment of the Hon. the Law Member, after the words* " *a fair price made,*" insert *the words* " *with the sanction of the board* ".'

" Both amendments are for the discussion of the House."

The amendment of Mr. T. C. Srinivasa Ayyangar was put and carried.

29th January 1936]

* The Hon. the PRESIDENT:—" I will now put the Hon. the Law Member's amendment, as amended, to the vote of the House.

" The question is:

' For *clause* 17-*A*, substitute *the following clause*:—

" 17-*A*. *Any alienation of land for a fair price made with the sanction of the board in pursuance of or to carry out the agreement mentioned in section* 12 *shall not be considered as a fraudulent preference under the Presidency Towns Insolvency Act,* 1909, *and the Provincial Insolvency Act,* 1920, *nor shall such alienation be voidable under section* 53 *of the Transfer of Property Act,* 1882." ' "

The amendment was put and carried.

Clause 17-A as amended was put and carried.

Clause 18.

Rao Bahadur P. C. MUTHU CHETTIYAR:—" I beg to move—

' For *clause* 18, substitute *the following*:—

" 18. *An application for revision shall lie against any order passed by the board and also an appeal shall lie to the civil court against any order passed by a board.*" ' "

The hon. Member spoke in Tamil in support of the amendment:—

" போர்டு தீர்மானம் பைனலாக கண்டிருப்பது போறாது. சரியல்ல. ஆனால் பார்டிக்கு சமாதானம் இல்லாதிருந்தால் சிவில் கோர்ட்டுக்கு போர்டு தீர்மானத்துக்குமேல் ரிவிஷனோ அப்பீலோ இருக்கவேண்டும். இதுதான் பொருத்தமாகும். அதிகாரிகளுக்கே நியாயத்தில் அதிக ஜவாப்தாரித்துவத்தை உண்டாக்கும், பார்ட்டியினிடத்தில் அவர்கள் நடந்துகொள்வதில் சில சந்தர்ப்பம் கோபம் உண்டாகும். நியாயம் இதுதான் என்று இருந்தாலும் எனக்கு இப்படித்தான் மாற்றி செய்யவேணுமென்று தோணுகிறது என்று தீர்மானம் செய்வார்கள். முடிவான பவருடைய அதிகாரிகளிடம் இந்த குணங்களை எல்லாம் அறிகிறோம்.

" பல காரணங்களை உத்தேசித்து ரிவிஷனோ அப்பீலுக்கோ இடமிருக்க வேணும்.

" கிளாஸ் 19-ல் போர்டார் தவறு தெரிந்தால் அவர்களாக ரிவிஷன் செய்ய அதிகாரம் கண்டிருப்பது போறாது. பார்டிக்கே இருக்கவேணும். "

For want of a seconder the amendment was declared to have fallen through.

Clause 18 was put and carried.

Clause 19.

The Hon. Sir K. V. REDDI NAYUDU:—" Sir, I beg to move—

' *In line* 3, *before the words* " *review any order,*" insert *the words* " *or on its own motion at any time.*" '

" The amendment is self-evident and I am sure it will be accepted."

Mr. P. PEDDI RAJU:—" I second it."

The amendment was put and carried.

Mr. G. RAMESWARA RAO:—" I move—

'*In the proviso,* omit *the words* " *and be heard* " *and* add *the following at the end*:—

" *and hearing them, if they choose to be heard.*" '

" Mr. President, Sir, the original clause states 'and be heard.' It looks as if it was entirely obligatory on the part of the board to hear the parties, but it does not make any provision for the parties concerned not appearing before it and claiming audience. I am only providing for a case where a man served with a notice does not choose to respond but sleeps away in his house, in which case the board ought not to be statutorily under an obligation to go to him and hear him. This is only a verbal amendment."

The Hon. Sir K. V. REDDI NAYUDU:—" There is notice given to appear and be heard; it is not necessary that the board should wait."

Mr. G. RAMESWARA RAO:—" If that is so, I withdraw my amendment."

The amendment was by leave withdrawn.

Clause 19 as amended was put and carried.

Clause 20.

* Mr. G. RAMESWARA RAO:—" I move—

' For *the words* " *but not* " *in line* 3, substitute *the word* " *or* ".'

" Mr. President, Sir, here seems to be a ban against lawyers as such, and I stand up here to show that they ought not to be disenfranchised or disqualified from exercising their profession whenever professional help is sought of them. The clause unfortunately says 'Any party may be permitted to appear by an agent authorized in writing but not by a legal practitioner.' This sort of boycotting of the members of the Bar is a thing which I feel rather strange in a member of the Bar who is now serving as the Law Member. I do not want that he should do a disservice either to himself or to the members of the Bar by putting this bar upon them. I only say that if any litigant is so interested as to seek the assistance of a professional man, he ought not to be denied the right, nor could the Bar be debarred from rendering such assistance by an Act of the Madras Legislature. The Act is sufficiently complicated with the law of alienation, with the law of *lis pendens*, with the law relating to fraud and so on; and so it is absolutely impossible for a stranger even of the reputation of being a retired revenue official, who knows nothing of the law, to administer it. So it is but right that the board must be helped by proper guidance, by a member who is equipped with the necessary information and knowledge of the ordinary procedure regarding such matters as come up as a matter of routine before the civil courts. So to say to a member of the Bar that he ought not to appear before the board is something which is derogatory both to the prestige of the House and the prestige of the profession of law. If a lawyer chooses to appear even as *amicus curiæ* and wants to offer his help and assistance for the administration of justice, I think it is

29th January 1936] [Mr. G. Rameswara Rao]

not fair, either to the board which seeks his help or the legal practitioner who offers his assistance, to say that he has no right of audience and that the board has no power to hear him. Therefore, I appeal to the hon. the Mover, himself a lawyer, and the Hon. the Law Member who represents the Bar, to see that no such permanent ban is put on members of their own profession.''

Rao Bahadur P. C. MUTHU CHETTIYAR in seconding the amendment made the following speech in Tamil:—

''எந்த பார்டிக்காவது போர்டு விசாரணையில் சக்ஷிக்காரர்கள் நேரில் அல்லது எழுத்து மூலமான ஆதரைஸ்டு ஏஜண்டு வரலாமென்று கண்டிருப்பது போருது.

'' இதில் (Legal practitioner) லீகல் பிராக்டீசனரும் வரலாமென்று காண வேண்டும் என என் அமெண்டு மெண்டு.

'' ஆனுல் இந்த ஆக்டானது பொருத்தமாய் நிறைவேறத் தகுந்த மாதிரி யிலில்லை என்பது தெரிந்த விஷயம்.

'' பார்டிகளும் விவேகிகளாகவே இருக்கவேணுமென்பது கருத்தா, அல்லது பார்டிகள் நேரில் வந்து ஆஜருக வேணுமென்பது கருத்தா. அல்லது லா டவுட்டு கள் ஜவாப்தாரித்துவ மில்லாது நியாயத்தை பிதற்றி போராடவேண்டுமா. ஒரு படித்த ஜவாப்தாரித்துவம் பொருந்திய லாயர் வருவது தப்பா அதனுல் என்ன கெடுதல் என்பது தெரியவில்லை.

''லாயர்களில் எங்கேயோ எப்பவோ யாரோ சிலர் தப்பு வழியை சொல்லலாம். விவகாரத்தை இழுத்து விடுவது அபூர்வமாய் காணலாம். பெரும்பாலோர்கள் தங்கள் படிப்பை உபயோகம் வீணுக்க பிதற்ருர்கள். இன்டரஸ்டு இல்லாத ஒரு மனிதரிடம் பார்டிகள் தங்கள் கக்ஷியை பலமாக தாக்கி சொல்லி அதை நியாயமில் லாததை நீக்கி எவ்வளவு நியாயமோ அதை மட்டும் போர்டுக்கு சுலபமாக தெரிவிக் கவும் போர்டார் எதை எதை கெவனிக்க விட்டுவிட்ட காரியத்தை எடுத்து காட்டவோ எதுவல்லவா. அன்னியில் அவர்களை குறைவாக நினைப்பது பெரும் தப்பாகவும் மரியாதையின்றியும் தோண வில்லையா !

'' நியாயத்துக்கு சரியில்லாவிடில் கவர்ன்மெண்டு அட்வகேட் ஜெனரலை ஒவ் வொன்றிலும் ஆலோசிப்பது தப்பா. இதே பாலிசியில் கற்றறிந்தவர்களை உலக முழுதும் கையாண்டு வருவது தப்பா.

'' விவகாரத்துக்காக ஒரு லாயர் இதில் வர இடம் கொடுத்து விட்டால் என்ன கெடுதல்கள் சம்பவித்து இந்த ஆக்டின் கருத்தை போக்கிவிடுமென்று பயப்படு கிறீர்களா.

'' இந்த ஆக்டினுல் கடன்காரர்கள் கடனை வாங்கி கெட்டுபோய் விடுகிருன்களா. கடனை கொடுத்தவன் கெட்டாலும் பரவாயில்லை என்பதுதானே கருத்து. இதற்கு ஒரே வழி தகுதியல்லவா. இந்த ஆக்டில் கடன் கொடுக்கிறவனுக்கும் வாங்குகிற வனுக்கு கொடுக்கப்படாது வாங்கப்படாது என்று ஒருவித பீனல் கிளாஸ் ஏற்படுத்தி விட்டால் அது எல்லா கிளாசும் எப்படி இருந்தாலும் பரவாயில்லை யல்லவா. ஆகையால் ஆதனைஸ்டு ஏஜண்டுடன் லாயர்களும் ஆஜராகலாமென என் அமெண்டு மெண்டை சேர்க்க விரும்புகிறேன். ''

Mr. P. V. KRISHNAYYA CHOUDARI:—" Sir, I am one of those who feel—I may here say that I am not expressing any contempt for my lawyer friends—that for the quick settlement of the cases coming up before the Conciliation Board, the lawyers would only be a hindrance. By their presence they will create complications and raise all sorts of legal quibbles with which the members of the board may not be familiar. Those members are not going to be judges and hear law points. They will be there to decide on equity. There is therefore no necessity for the lawyers to represent the legal aspects there. By saying this, I am

3-45 p.m.

not expressing any contempt for the lawyers as my hon. Friend, Mr. Rameswara Rao imagined. I may remind him, Sir, that this same provision is to be found in the Village Courts Act under which all claims are disposed of by the panchayats. No lawyers are permitted to appear before the panchayats. Here also, as the Debt Conciliation Board is intended for laymen, it is better that we do not allow lawyers. But if any lawyer is anxious to go there without taking any fee, he can do so as an agent. There is provision for it. As an individual member, not being a lawyer, any person can appear before the board on behalf of a party who is unable to be present owing to ill-health or other such contingencies. If lawyers are permitted to appear, they will create more complications and the Debt Conciliation Board cannot function properly. (A voice: 'Question.') If any lawyer enunciates big legal principles before the board, the members thereof who will be laymen, will get confused. We may leave them to decide questions more on considerations of equity than on strictly legal considerations. I therefore oppose this amendment and request my hon. Friend to withdraw it."

Rao Sahib V. I. Muniswami Pillai:—"Mr. President, I also rise to oppose the amendment. It is not my wish to say anything against the legal practitioners. Sir, the Bill proposes to give certain facilities to debtors and creditors to settle their transactions without having to pay legal charges. That being so, the proposed amendment seems to be out of place. Sir, we who have practical experience of the working of the panchayat boards can authoritatively say that the absence of lawyers is not felt at all and that the boards are working perfectly well at a minimum cost to the debtors and creditors. (Mr. C. Basu Dev: 'Hear, hear.') In view of this fact, I oppose this amendment and I am sure the House will agree with me."

* Mr. K. R. Venkatarama Ayyar:—"Sir, I support the amendment of Mr. Rameswara Rao. I do not think that at any time I regretted so much my being a member of the Bar as at the present moment. It is not from self-interest I wish to support this amendment. I do think the legal profession can well afford to be where they are even if this amendment is not passed and the clause is passed in its original terms. It is not going to add to their emoluments or earnings. (Mr. P. V. Krishnayya Choudari: 'Then why the amendment?') The point of view with regard to which I wish to base my observations is: is it fair, is it decent, is it honourable in return for all the services the rest of the world has obtained from the world of lawyers that they should stand banned like this from a service like this? (Laughter.) (A voice: 'Question.') As Mr. Muthu Chettiyar the seconder of the amendment very properly pointed out, it would appear as if this House would keep the door open for a law-tout but ban it against the lawyers. Any law tout could come in as an agent, but the lawyers could not. That is exactly what Mr. Muthu Chettiyar pointed out. I think it is very unfair and very improper that you should ban or discredit the very noble and learned profession which has ever been at the service of the rest of the world and by which service the rest of the world has profited immensely."

29th January 1936]

* Mr. C. Basu Dev :—" Mr. President, I rise to oppose the amendment. In doing so, I am aware I cannot add anything to the practical arguments advanced by my hon. Friends Mr. Krishnayya Choudari and Mr. Muniswami Pillai. I would however like to join issue with that what my hon. Friend from Madura said, viz., that the lawyers do not stand to lose by being excluded from appearing before the Debt Conciliation Board. He is not correct. Our expectations are that with the passing of this Bill into law most of the suits will be diverted from the law courts to these boards. If that happens, it will certainly seriously affect the emoluments of the legal profession. My hon. Friend made a very eloquent and emotional appeal to the sense of fairness of this House and said that the world had benefited by the service of lawyers. I may remind him that that service whatever its character and extent was rewarded by substantial fees.

" Sir, the essence of this Bill is conciliation. Our experience of the lawyers is that they had stood in the way, as far as it is possible for them to do so, of the parties coming to amicable settlements. Their very nature and training will not easily permit them to gloss over the innumerable points, subtle points of fact and law. I believe that if lawyers are allowed, most of the advantages that we expect from this modest Bill, will be frustrated. I, therefore, very strongly oppose the amendment and make an appeal to this House to reject it."

* Mr. W. K. M. Langley :—" Sir, I beg to support the amendment which has been moved. I do so more in the interests of the parties to the conciliation proposed than in the interests of the lawyers, though Mr. Rameswara Rao put the case for the lawyers very well indeed. I personally can see no particular objection to cutting out the lawyers if the real basic idea is to keep down the costs of conciliation. In that case, if you cut out lawyers, I maintain that you should only permit the parties themselves to appear in person. I cannot see any essential difference between a legal practitioner and an authorized agent. If you admit an authorized agent, it would practically be tantamount to saying that one cannot employ a lawyer, but on the other hand can employ a lawyer's tout. I do not know as much about this country as I know of my own country, but I believe that touts are always to be found around the places where the law is administered in any form. According to this provision, it would be open to one to appoint some shady character at the bar as his accredited agent but not a respectable legal practitioner. This clause as it stands is opening the way to extremely doubtful practices and to an undesirable situation. The Bill is a distinctly complicated one and therefore it would be distinctly unfair to deprive the parties of trained legal assistance.

" Another point that has to be remembered is that it is practically certain that either the debtor himself or some of the creditors appearing before the Conciliation Board will be lawyers. Why should they have an advantage which other parties to the conciliation have not? It seems to me that the clause as it stands can only work unfairly and, in very extreme cases, in a very unsatisfactory and sinister manner.

[Mr. W. K. M. Langley] [29th January 1936

If, however, this House persists in deciding that no lawyer shall be present, then I feel that the clause should be so amended as to provide that these authorized agents should only be allowed to represent a party when he is unable for good cause to be present in person. That is only a sort of subsequent suggestion. But nevertheless I would prefer that people are represented by those who, whether or not they deserve all the compliments which they received from the hon. Member from Madura, still more often than not by their training and their equipment, keep people out of the law rather than thrust them into it."

* Rao Bahadur Sir A. P. PATRO:—"I am glad to agree with my hon. Friend Mr. Langley in this matter. I suppose that the very vehement and eloquent attack on the legal practitioners by an hon. Member Mr. Basu Dev is due to the undue praise—he is accustomed to be vehement when he has a weak case to argue—lavished on them by the hon. Member from Madura. I believe that it is that praise which provoked the hon. Member Mr. Basu Dev to say that the poor litigants should be deprived of the valuable advice of the legal profession. I do not know whether Mr. Basu Dev has misunderstood his occupation. He ought to have been a lawyer some time back. As a politician he feels for the poor litigant and he thinks that the poor litigants should not have the services of a lawyer. There are other people who would not be in the same position as the hon. Member. The hon. Member from Madura is no doubt prone to exaggeration. On this occasion he has erred on the side of excessive advocacy which defeats its very objective. He has appeared in the House to-day after a long spell of enforced absence and wants to make his presence felt in the consideration of this Bill. (Laughter.)

4 p.m. "Apart from the merits of the advocacy, it is unfortunate that the litigants should be deprived of the able assistance of advocates. I therefore agree with my hon. Friend Mr. Langley who put the point much more clearly than some other hon. Members. As he said, a lawyer himself may appear before the conciliation board as against another party, and argue his own (the lawyer's) case. In all such cases when a lawyer with all his training and technical knowledge will have the opportunity of putting his case, that the other party should be deprived of the assistance of another professional lawyer seems to me a great injustice to the other party. Complicated as the Bill is, there are many intricate questions of law and intricate questions of interpretation and therefore it is necessary that there should be the assistance of trained lawyers. As the hon. Member from Ganjam has pointed out, it is very necessary that we should pay very great attention to the details of procedure adopted under this Bill, though I would have been very thankful to him if he had suggested those points of procedure specifically and drawn our attention to them. Apart from that, as I said already, many difficult problems may arise in the course of working which would require the assistance of able advocates. So to deprive the parties of the assistance of able advocates would be a great injustice

to the parties. My hon. Friend Mr. Basu Dev is a Graduate in Law and I take it he would appreciate the difficulties of the litigants and accept the proposition that the assistance of the lawyers is necessary to the litigants."

* Diwan Bahadur T. A. Ramalingam Chettiyar:—"I have heard both the arguments in favour of and against lawyers appearing for parties before the conciliation boards, and the vehemence with which the case was put on both sides makes one rather diffident of his own position. I may remind my hon. Friend Mr. K. R. Venkatarama Ayyar that I am a lawyer myself and if I want to exclude lawyers from appearing before the boards, it is not because that I have no regard for lawyers or their ability to help the litigants. Sir, the idea with which lawyers are sought to be excluded from appearing before the Board is that when the lawyer appears before the Board, the matter becomes formal and then we have to conform to the ordinary rules of procedure. It was thought that when a Board sat and had the parties before it directly, they might meet each other directly and probably things could be conducted more freely and a decision arrived at more easily. So far as the administration of this Act in the Central Provinces is concerned, experience has not shown that there has been any complaint regarding the absence of lawyers. When I visited one of the places in the Central Provinces where this Act has been working, I did not hear that there was any complaint regarding the absence of lawyers. As a matter of fact in this Bill we have introduced some improvements and even without these improvements in the Central Provinces Act they have been able to administer the Act with great success. An amending Bill is now before the Central Provinces Legislative Council with reference to two matters, one of which we have already provided for in our Bill, viz., the exclusion of the jurisdiction of civil courts, when a matter is pending before the Board. The other matter with regard to which they want to introduce an amendment is with reference to mortgage debts and they want them to go before the Board. The Hon. the Home Member who is in charge of the Bill there has stated that these are the only defects in the working of the Act there and if these two things are rectified, they will be able to work the Act more successfully. Sir, it is the only Province which has passed an Act similar to our Bill bringing into existence a Board like the one we are proposing to have and it has administered the Act successfully. Such being the case, I do not think that so far as experience goes, a case has been made out for allowing lawyers to appear before the Board. It has been pointed out that certain intricate and complicated points require the assistance of lawyers. As I said already, I am a lawyer myself and I know that certain complicated cases do require the assistance of lawyers, but when once you allow lawyers to appear, the matter becomes formal, and you will have to adopt all sorts of rules of procedure and all paraphernalia of judicial courts, and there will not be the ordinary meeting of man to man and talking the thing over. While on the one hand we will have the advantage of having the assistance of a lawyer

in clearing intricate and complex points of law and other technicalities, on the other hand we will lose that personal touch with the parties which we think is greatly necessary in such cases. Therefore it seems to me—as I am a lawyer myself—that it is better that I leave the decision of this matter entirely in the hands of the House.''

* Mr. G. RAMESWARA RAO:—'' I was rather surprised to hear the remarks made by some hon. Members of this House. I am not referring to whisperings which had been made by some hon. Members, but only to those remarks which have been made in the course of the speeches regarding the position of Members of the Bar in the judicial administration as such. One hon. Member went to the length of saying that these lawyers are a hindrance rather than a help. I could have understood such sentiments being given expression to by an arrogant Member of the Bench, but not by a member of the public who often goes to courts and who feels that his interests are seriously affected in the absence of a lawyer. I do not think there is any hon. Member here who is or was a Member of the Bench and so I am sure, every one of the Members of this House will easily realize that every one of them will have to go to court some time or other in order to defend his case, and I challenge any one in this House whether he considers it possible for him, without the assistance of a professional lawyer to have his case conducted properly. Apart from that it has been stated by some ignorant Member of this House that lawyers are not required before the Village Magistrates' courts or before the Panchayat courts. But the hon. Member has forgotten that in village panchayat courts only money suits come in and no questions of law arise, where any professional or technical advice is necessary. But here in this Bill we have got sections dealing with adjudication of rights over property, fraudulent alienation and such other complicated matters and to say that the assistance of lawyers is not required in the village magistrate court or the village panchayat court and that therefore the same principle should be applied in considering the scope of this Bill is something which is absolutely unintelligible. After all, if the hon. Member who has made such a statement had only known the nature and scope of this Bill, he would not have blundered in making such a statement and I pardon him for his ignorance of law. After all, Sir, as my hon. Friend, Mr. Langley said, Members of the Bar may appear as one of the parties before the Board and in such cases, the other parties, who are laymen, will be greatly handicapped without the assistance of lawyers. My hon. Friend, Sir Patro, said that some of the lawyers may have to go to the board in their personal capacity. Perhaps he meant debtor lawyers. I do concede that. I am also aware of cases where lawyers are money-lenders and they have to go to courts and personally conduct their own cases before the conciliation board. If they do appear, what is the position of an unintelligent litigant? If you deprive him of the help of a professional lawyer who would give him technical advice and guidance, as against an intelligent lawyer, who would marshall his case well before an unqualified and untechnical board where would be the ends of justice? Therefore it is but right

29th January 1936] [Mr. G. Rameswara Rao]

that this House must consider the probable effects upon justice of allowing the lawyers to conduct their own cases without giving professional assistance to the lay litigant public, and also see how justice will be affected by allowing intelligent lawyers to put their own cases in their own way before a non-technical board. This aspect of the matter has been rightly put forward by my hon. Friend, Mr. Langley, and I do not want to pursue it futher.

"Sir, it is not a question of professional earning but it is a question where professional assistance is sought for by the litigant public. It is not a case of a man saying 'I cannot go without food and therefore I must be allowed to appear before the court or the board.' I am putting the case from the standpoint of the service which the Members of the Bar are rendering when their work and assistance is sought for by the litigant public. It is from that standpoint that I say that this House ought not to ignore and deprive the litigant public of the possible assistance which they would otherwise get at the hands of experienced lawyers. It is quite wrong to say that lawyers are a source of hindrance. That only shows the ignorance of the gentleman who has made such a statement. What the lawyers do is they simply lay bare the cards on the table and want the other side to meet the case. That is a source of great help rather than a hindrance to the parties and to the courts of administration of justice. Therefore, I submit that the lawyer is very essential for the conduct of litigation before the conciliation board where questions of high technical importance ought to come up. I am not very much concerned about the lawyer earning a few rupees or more. After all the party will have the discretion to get a man at the best rates or at the cheapest rates. I am not putting the case from that standpoint. I only say 'do not deprive the man who wants help, all the possible help that a lawyer can give.' That is the appeal I make to this Honourable House and I leave it there."

* The Hon. Sir K. V. Reddi Nayudu:—"Sir, I see that the feeling in the House is strong on both sides and therefore in order to avoid certain difficulties that have been brought to the notice of the House, I may suggest that the existing clause might be amended, so that legal practitioners as well as agents might be allowed to appear, at the same time providing that the permission of the board would be necessary in either case in order to prevent the appearance of touts. I therefore move that the following clause be substituted for the existing clause 20:— 4-15 p.m.

'20. *In any proceedings before a board any party may appear in person or with the permission of the board, by a legal practitioner or an agent authorized in writing.*'"

The amendment was duly seconded.

Mr. K. P. Raman Menon:—"I want to know if the idea is to obtain the permission of the board even in the case of legal practitioners."

The Hon. Sir K. V. Reddi Nayudu:—"Yes, in both cases."

Mr. P. V. Krishnayya Choudari:—" Why not put the legal practitioner and the agent separately? "

Mr. Rameswara Rao's amendment was by leave withdrawn.

The Hon. Sir K. V. Reddi Nayudu's amendment was put and carried.

Mr. M. S. Sreshta:—" May I know whether any discussion is permitted upon this clause? "

* The Hon. the President:—" This is the fruit of a very long discussion in the House."

Clause 20 as amended was put and carried.

Clause 21.

* Mr. M. Devadasan:—" Sir, I beg to move the following amendment:—

' For *clause* 21, substitute *the following*:—

" *The Board shall not entertain any application under section* 4 *either by a creditor or debtor when any suit or proceeding involving the interest of either party is pending before a civil court unless both parties agree to submit themselves to the jurisdiction of the Board after institution of a suit in the said Court.*" '

Sir, clause 21 as found in the Bill seeks to empower a board to stay procedings pending before a civil court. Though similar powers are inherent in civil courts they are rarely used. Even the High Court is wary in the exercise of this power. If we give conciliation boards such a power, then it is likely to be abused. When a suit is filed before a civil court, the defendant might resort to a conciliation board and ask for the intervention of the board to stay the proceedings before the court. A plaintiff who has gone to the civil court and incurred expenditure by payment of court-fees and pleader's fees should not be lightly thwarted in his way by the intervention of a conciliation board. If a provision like this is allowed to stand in the Bill, people might not be willing to go before civil courts, for they would be afraid that they might be thwarted by the defendant going to debt conciliation board the next day and invoking their intervention to stay the proceedings before the civil court. Moreover if a debtor finds that his creditor has not agreed to the terms suggested by him, he may go before a conciliation board and ask for their intervention and stop the proceedings before the civil court. I do not know what the Hon. the Law Member thinks of this amendment. Clause 16 of the Bill as it stands says that no civil court shall entertain any suit in respect of any matter pending before a board or the validity of any procedure or the legality of any agreement made under this Act and so on. By such a clause civil courts are prevented from taking cognizance of any matter pending before a board. When civil courts are thus prevented, why should not the boards be similarly prevented from taking cognizance of matters already pending before civil courts? I submit there must be some such

29th January 1936] [Mr. M. Devadasan]

safeguard against abuse of the powers vested in these boards. I do not mean to say that the boards as are likely to be constituted under the Bill will misuse the powers, but there is every chance of a creditor who has gone to a civil court being embarrassed by a debtor. My amendment seeks to remove the difficulty by providing that the proceedings before a civil court should not be stayed unless both parties agree to submit themselves to the jurisdiction of the board after institution of a suit in a civil court. I do not want the whole clause to be deleted. I have suggested a compromise and it cannot be said that if my amendment is accepted the object of the Bill will be defeated. My object is that the party whose case is pending before a civil court should have the opportunity of consenting or not consenting to have the case withdrawn so that it might be decided by a debt conciliation board."

The amendment was duly seconded.

* Diwan Bahadur T. A. Ramalingam Chettiyar :—" Sir, I am sorry I cannot accept the amendment. It seeks to set at naught the very basis of the Bill. Even under the Insolvency Act, the moment an insolvency petition is filed any suit that is filed has to be tried along with the insolvency petition and not separately. Such being the case, I do not know what my hon. Friend means by moving an amendment like this. We have only introduced a provision which under the decision of the Madras High Court has come to be the practice in all the courts in this Province, namely, that as soon as an insolvency petition is filed no suit can be tried separately.

" Then again, Sir, there is no need whatever for the amendment proposed by Mr. Devadasan, because under clause 16, civil courts are already prevented from taking cognizance of cases pending before conciliation boards. All that the hon. Member proposes comes to this, that clause 21 should be deleted. If his idea is that the moment that a suit is filed in a civil court the debtor cannot have the benefit of this Bill, it only means that the benefit of this Bill whatever it may be, will be denied to a very large number of people. As a matter of fact, the object of this Bill is to save those debtors against whom suits have been filed, against whom executions are pending, and those who owe large sums of money which they are not in a position to repay. Such being the case, to introduce a provision like this will only mean that the benefit of this Bill will be denied to the very people for whose benefit it is intended. I have to oppose this amendment and I am sure the House will agree with me that if this amendment is accepted there will be no use for the Bill afterwards."

* Mr. K. R. Venkatarama Ayyar :—" Sir, if this amendment is accepted, it will practically give a death blow to this Bill. This amendment, if passed, will make it impossible to put the Act into operation, in any case in which there is a suit against the debtor; whereas the basic object of this legislation is to give relief to debtors whether there are already proceedings pending for recovery of debts or whether proceedings are actually instituted later. I think that, inasmuch as it has already been enacted that under Section 16 no fresh suits for recovery 4-30 p.m.

of debts are to be entertained by the civil court when proceedings are initiated under this Act, it will only be an analogous provision falling in line with it, if we enact that pending proceedings shall also stand suspended. Having committed ourselves to the principle of section 16, we are only making a particular application of it when we say that just as you bar fresh proceedings, you must suspend proceedings already started in the civil court. Otherwise the provisions of this Act cannot really be put into operation. I think the amendment of Mr. Devadasan is destruction of the policy underlying this legislation."

Mr. M. DEVADASAN:—" I do not press the amendment."

The amendment was, by leave, withdrawn.

Clauses 21 and 22 were put and carried.

Clause 23.

Mr. G. RAMESWARA RAO:—" Sir, when I wanted to move an amendment to sub-clause (3) of clause 15, I was advised to move an amendment to clause 23. I would explain this way. The scope of sub-clause (3) of clause 15 covers only two cases of debts. The first is the case of a debt other than the debt incurred subsequent to such agreement. The second kind of debt is that incurred after the date of the agreement. These are the two classes of debts, first, the debt incurred subsequent to the agreement and the second the debt incurred after the date of the agreement. The first class covers the debt for which certificate has been granted under sub-section (1). The second includes the case in which no certificate is required. Therefore the two classes of debts covered by sub-clause (3) of clause 15 are entirely different from the debt referred to in clause 23. The debt referred to in clause 23 is a debt which is the subject-matter of any proceedings under this Act. Therefore the House will clearly see that debts of three classes are contemplated when we take sub-clause (3) of clause 15 along with clause 23. These are the three classes of debts referred to. In the case of all these three classes of debts, there is room for recovering them through civil courts. Therefore I want to put in a comprehensive provision covering the cases of all these three classes of debts for the purpose of this legislation.

To achieve this object, I move the following amendment:—

' Renumber *clause* 23 *as sub-clause* (1) *of clause* 23 *and* insert *the following as sub-clause* (2) *to clause* 23:—

" (2) *The period during which proceedings under this Act have been pending including the actual period fixed in the agreement for payment of all the debts shall be excluded from computation under section* 48 *of the Code of Civil Procedure or the Limitation Act in all proceedings taken to recover debts in civil courts* ".'

I use the word ' proceedings ' advertently; thereby I include suits as well as execution proceedings, whatever their nature may be. By this comprehensive amendment I seek to introduce exemption from the

29th January 1936] [Mr. G. Rameswara Rao]

running of limitation for debts recoverable in the usual course, if proceedings under this Bill are pending before the conciliation board."

Mr. K. R. VENKATARAMA AYYAR :—" I second it."

The amendment was put and carried.

Rao Bahadur P. C. MUTHU CHETTIYAR (speaking in Tamil) :—" Sir, I beg to move the following amendment standing in my name :—

' Add *the following proviso to clause* 23 (1) :—

" *Provided that three months' time be given from the date of the disposal of the application by the Board* ".'

" லிமிடஷேன் இந்த போர்டு ஆர்டர் தேதிவரையுள்ள காலத்தை கழித்து என்று கண்டிருப்பதில்: கூட 'ஆர்டர் தேதி முதல் அதிகம் 3 மாத டயம்' யென்பதை சேர்க்கவேணும். இதில் காபி வாங்கும் டயம் தனியாய் கழிக்கவேண்டுமென என் அமெண்டுமெண்டு.

" ஏனென்றால் பார்டிகளுக்கு ஆர்டர் தேதிமுதல் என்றால் எற்கனவே தாக்கல் செய்யும்போது வாய்தா ஒரு தினம் இரண்டு தினமிருக்கும்போதும் தாக்கல் செய்திருந்தால் ஆர்டர் தேதிவரையுள்ள காலத்தை கழித்தால் போர்டானால் தீர்மானம் நடந்தது ஒரு ஊறாயிருக்கலாம். வாபஸ் வாங்கி சரியான ஜூரிஸ்டிக்ஷன் கோர்ட்டுக்கு தாக்கல்செய்ய பார்டிக்கு உடனே சமாசாரம் எப்படி தெரிய முடியும் தெரிந்தாலும் அந்த சந்தர்ப்பம் அந்த பார்டியின் சந்தர்ப்பம் எப்படியோ சௌகரியம் எப்படியோ. பார்டியோ அல்லது பார்டிக்கு ஒரு கார்டியன் புதிதாக வரவேண்டியதோ அல்லது சிலவுக்கு பணம் வேண்டியது சேகரிக்கவோ இந்த ஆர்டரின்பேரில் என்ன செய்யலாமென்பதை தகுந்த லாயர் சமயம்பார்த்து அபிப்பிராயம் கேட்டு தாக்கல் செய்யவோ இவைகளுக்கு எல்லாம் போதுமான டயம் வேண்டாமா !

" இதற்குமுன் அனுஷ்டானத்திலுள்ள எல்லா ஆக்ட்டுகளிலும் நடவடிக்கைகளிலும் ஒரு மாதம் 3 மாதங்கள் ஏற்பட்டிருக்க நகல் டயங்கள் பிரத்தியேகமாயிருக்கவேண்டியதும் ஏற்பட்டிருக்க ரொம்ப நியாயமில்லாது இம்மாதிரி காலத்தை கொடாது செய்வதானது உலக இயற்கையும் ஜனங்களின் தன்மையும் அறியாததாகும். "

* Mr. K. A. NACHIYAPPA GOUNDER :—" Sir, I beg to second the proposition moved by my hon. Friend, Mr. Muthu Chettiyar. In his amendment he wants that some more time should be provided than the time taken up by the Board which is proposed to be excluded when calculating the time for limitation. For instance in cases where the matters were brought before the Board only at the nick of time on the very eve of limitation period and where the parties are not able to come to some settlement, it is but natural that the creditor will have to go to a civil court; in such a case he must be given sufficient time to file his suit in a civil court; if necessary provision is not made for contingencies of this sort, the creditor will straightaway run to the civil court instead of coming to the conciliation board. So, as has been pointed out by Mr. Muthu Chettiyar, it is absolutely necessary that we should provide some time for contingencies of this nature in order to popularize the conciliation board so that creditors too may approach it without any hesitation. Hence I hope that this amendment will be accepted by the House."

* Mr. K. R. VENKATARAMA AYYAR :—" Sir, the particular case which appears to be in the mind of the mover as well as the seconder of the amendment is the case where the proceedings under this Act are

deferred, so to say, till the last stage of the period available under the ordinary law to file suits against the debtor. If the short time that generally exists for filing suits in the court is taken up by the proceedings of the Board, and if the Board's proceedings are not satisfactory it is impossible for the creditor to file his suit under the general law of limitation in any civil court. The net result will be the creditor will be put in a position which it is not the intention of the framers of this Bill or of any legislature to put him in. Redress is necessary against contingencies like that. One mode of allowing redress would be by excluding not only the period of proceedings under this Act before the Board but also the period taken up in obtaining certified copies of these proceedings. I hope that under the rules to be passed under this Act, provision will be made for applications for granting certified copies and for grant of such copies. One mode of allowing redress would be to amend the existing section 23 by introducing the words, 'the time during which such proceedings continue, as well as the time required for obtaining certified copies thereof shall be excluded.' Suppose we put it like that; the question is whether the necessary provision would have been made. Provision should be made for the deduction of the time taken up by the proceedings as well as for the deduction of the time taken up for obtaining certified copies of the proceedings; even this provision may not be adequate. You may also allow a compensation period for the period lost before the Board in infructuous proceedings. That raises a question of equity and justice between the creditor and the debtor. Three months' time is the period proposed by the mover of the amendment. It may be three months or it may be one month or nothing. Some period would appear to be called for in the interests of justice, in order to prevent justice being shut out by mere lapse of time. I would suggest that after the word 'continued' the following words be inserted: 'and the time required for obtaining certified copies of the proceedings as also a period of 30 days more.' I think some such provision will meet the case. If this is agreed to and if the Hon. the Law Member also would consider it, it can be put through as an agreed proposition. I think it can be done."

Mr. P. V. Krishnayya Choudari:—"I second it."

4.45 p.m. Sriman M. G. Patnaik Mahasayo:—"Mr. President, the hon. Member really wants to extend the time available to the creditor. I do not see why the time should be extended. Where is the compensation? If one day is taken up for proceedings before the board, then you will have six months plus one day. This proposition seeks to affect the period of limitation, and no creditor ought to be given this privilege. I therefore oppose the amendment."

* Diwan Bahadur T. A. Ramalingam Chettiyar:—"Sir, in the amendment suggested by Mr. Venkatarama Ayyar, two periods are referred to, one the time for taking copies and the other a period of thirty days in addition. The difficulty mentioned by the mover is that after the order is passed, there should be some time allowed for filing the suit. If we are going to have the time taken for taking copies

excluded, that will furnish the time for the other purpose also. So, if we add here something to the effect that not only the time taken for the proceedings but also the time taken for taking copies should be excluded I think that will serve the purpose. I therefore move—

'*In the last line of clause* 23, *sub-clause* (1), *after the word* "*continued*" insert *the following words*:—

"*as well as the time taken for the obtaining of copies of the order of the board*".'"

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

* The Hon. Sir K. V. REDDI NAYUDU:—"Mr. President, Sir, I agree with the hon. Member in charge of the Bill in thinking that there is no justification for allowing thirty days. That will be contrary to the existing law. Even in matters in which such time as this is excluded under the various statutes, it is only the exact time occupied by the proceedings and not any extra time. There is thus no justification for the thirty days' time, sought to be introduced here.

"As regards the time required for obtaining copies, I think the usual rules in the Limitation Act ought to apply here also. If any delay is made in the application for copies, the time of such delay will go against the applicant. So, section 5, I believe, of the Limitation Act, can also apply here and the time taken for the obtaining of copies may reasonably be excluded."

* The Hon. the PRESIDENT:—"I shall put Mr. P. C. Muthu Chettiyar's amendment to vote."

Rao Bahadur P. C. MUTHU CHETTIYAR withdrew his amendment by leave of the House.

* The Hon. the PRESIDENT:—"I shall now put Mr. Ramalingam Chettiyar's amendment to the vote of the House."

"The question is:

'*In the last line of clause* 23, *sub-clause* (1), *after the word* "*continued*," insert *the following*:—

"*as well as the time taken for the obtaining of copies of the order of the board*".'"

The Hon. Sir CHARLES SOUTER:—"I suggest, Mr. President, that the word 'certified' be put in there."

* The Hon. the PRESIDENT:—"The amendment is:

'*In the last line of clause* 23, *sub-clause* (1), *after the word* "*continued*" insert *the following words*:—

"*as well as the time taken for the obtaining of certified copies of the order of the board*".'"

The amendment was put and carried.

The amendment of Mr. K. R. Venkatarama Ayyar was by leave withdrawn.

Clause 23 as amended, and clause 24 were put and carried.

Clause 25.

Rao Bahadur P. C. Muthu Chettiyar (in Tamil) moved:
" *In clause 25, omit sub-clauses* (a) *and* (c) *and in sub-clause* (f), add *at the end* ' *by the local Government* '."

" ரூல்ஸ் லோகல் கவர்ன்மெண்டு செய்ய ஏற்பட்டிருப்பதால்

(a) கோரத்துக்கு ரெகுலேட் செய்ய ஏற்பட்டிருப்பதை எடுத்துவிட வேண்டியது நியாயமாயிருக்கிறது. என்பது என் அமெண்டுமெண்டு.

(c) ஏற்படுகிற சிலவு சார்ஜை போர்டு வசூலிக்க லோகல் கவர்ன்மெண்டு ரூல் ஏற்படுத்துவதை எடுத்துவிட அமெண்டுமெண்டு.

" இம்மாதிரி பொதுவாக கவர்ன்மெண்டுக்கு இருக்கிற அதிகாரத்தினால் ஏராளமான சில்வுக்கும் சிலவை ஏற்படுத்துவதற்கும் இடமாகிறது. ஒன்று தெரிவிக்கிறேன் :—

" சமீபத்தில் எஸ்டேட்டு லாண்டு ஆக்ட் திருத்தி அமைத்த காலத்தில் அதற்கு 117-வது பிரிவின்படி ரெவின்யூ பாக்கிக்கு ஏலத்துக்கு வரும் முன் நடவடிக்கையிலிருந்து ஸ்டாம்பு சிலவுகளும் இன்னும் பார்டிகள் தெரிந்துகொள்ளவேண்டிய பலவிதமுறைகளையும் ஏற்படுத்தினதோடு கெஜட்டு நோட்டிபிகேஷனும் இருக்க வேணுமென்றும் ஆனால் அது ஒரு சிலவையும் சிரமத்தையும் பொருக்க கூடாத மாதிரிபோல அப்போதிருந்த மினிஸ்டர் ஏற்படுத்தினார். ஆனால் எல்லா நடவடிக்கையும் சர்க்கார் மூலமாகவே நடத்துவதாயினும் சாதாரணமாய் சர்க்கார் **Rent Recovery** ஆக்டின் பாக்கிக்கு கெஜட்டு நோட்டீஸ் போடுவதுபோல் என்று அறிந்திருந்த வாக்கியத்துக்கு ஒவ்வொரு பட்டா பாக்கிக்கும் அந்த துகை எவ்வளவு சிறிய ரூ. 0-10-0 பாக்கி இருந்தபோதிலும் அதற்கு கிரமங்கள் சற்றேறக் குறைய சுமார் ரூ. 4 வரையுள்ள ஸ்டாம்புகள் சிலவானபோதிலும் ஒவ்வொரு கேஸ் பாக்கிக்கும் கெஜட்டு நோட்டிபிகேஷனுக்கு ரூ. 26-4-0 கவர்ன்மெண்டு விதித்து அமூலுக்கு வந்தது. இது நியாயமா ? ஒவ்வொரு ஜமீன்தாரியாலும் 500, 1,000, கேசுகள் பாக்கி ஏற்பட்டால் ஜப்தி செய்வதற்குரிய ஸ்டாம்புகளை மொத்த துகையாக கொடுத்து ஸ்டாம்பு வாங்கி ஒட்டி அனுப்பமுடியாது அநேக எஸ்டேட்டுகளில் சங்கடங்களை அடைகிறார்கள்.

" இப்படியிருக்க ஒருபக்கத்தில் கெஜட் நோட்டீஸ் பல கேசுகளை அடித்து அனுப்புவதற்கு 100, 1,000, 10,000, கணக்கான பெருந்தொகைகளை அச்சு சார்ஜாக மொத்தமாக கட்டும்படி ஏற்பட்டுவிட்டது. அதனால் முடியாமல் கரெஸ்பாண்டென்ஸ்களிலும் இருந்து வருகிறது.

" ஆகையால் அந்த (c) கிளாசை எடுத்துவிடவேணும். "

Mr. K. A. Nachiyappa Gounder:—" I second it."

The amendment was put and lost.

Clause 25 was put and carried.

Clause 26.

Clause 26 was put and carried.

Clause 2.

* The Hon. the **President**:—" With regard to clause 2, we have not disposed of amendments Nos. 5, 6, 6-A and 9 of the list circulated, as we wanted to dispose of amendment No. 33 before these were taken up. Since amendment No. 33 has been disposed of, Nos. 6 and 6-A go out; similarly, No. 9. Mr. Thangal is not moving No. 5.

I shall now put clause 2, as amended, to the vote of the House."

Clause 2, as amended, was put and carried.

29th January 1936]

Clause 7-A.

Clause 7-A was put and carried.

Preamble.

The preamble was put and carried.

Diwan Bahadur T. A. Ramalingam Chettiyar:—" I propose, Sir, that the further consideration of this Bill be adjourned to the next non-official day as the first item."

Mr. P. V. Krishnayya Choudari:—" I second it."

* The Hon. Sir K. V. Reddi Nayudu:—" We may certainly have it for the next non-official day, but this may not necessarily be the first item, because there may be some technical business to be transacted."

* The Hon. the President:—" Provided no formal motions intervene, we can go on with this Bill first."

The House then adjourned to meet again at 11 a.m. the next day.

D. K. V. RAGHAVA VARMA,
Acting Secretary to the Legislative Council.

வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

[29th January 1936

APPENDIX I.

[Vide answer to question No. 535 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 29th January 1936, page 26 supra.]

(1)

Letter from the Secretary, Bar Council, Madras, dated 8th May 1935, R.O.C. No. 392/35.

[Stamp fee for entry as advocate—Reduction of.]

I have the honour to communicate the following resolution of the Bar Council passed at its meeting held on 28th April 1935 and to request you to kindly place the matter before the Government for necessary action.

The resolution is as follows:—

"In view of the stringent financial conditions in the Presidency, the Bar Council urges upon the Government the necessity to reduce the stamp fee on entry as an advocate from Rs. 625 to Rs. 500."

In doing so I am directed to state that the stamp fee for entry as an advocate was Rs. 500 in Madras as also in the other provinces until 1922 when as a result of the amendment made to the schedule of the Stamp Act the fee was enhanced to Rs. 625 in Madras, and it has been so up till now. It has been repeatedly brought to the notice of the Bar Council that there are several pleaders in the mufassal who are anxious to get themselves enrolled as advocates of the High Court, a course open to them according to the rules of the Bar Council framed in that behalf, but are unable to do so on account of the present economic depression in the country and the present stamp fee which is felt as a very heavy burden. The Bar Council has also received representations from several Bar Associations in the mufassal requesting that the Bar Council should move in the matter of getting the stamp fee reduced substantially. The Bar Council has also before it several cases of apprentices who had qualified themselves for enrolment as advocates in all respects but who had to delay their applications for enrolment for several months and in some cases even for one or two years, the ground for such postponement of the enrolment being the difficulty of finding the necessary amount for paying the stamp fee on entry as advocates.

In this connexion I am also directed to state for the kind consideration of the Government that the High Court on the recommendation of the Bar Council had by its notification, dated 17th January 1930, discontinued the practice of issuing pleaders' certificates and it is now obligatory on every one who desires to enter the legal profession that he should get himself enrolled as an advocate. This course was recommended by the Bar Council with a view to eliminate different grades of legal practitioners in this Presidency.

29th January 1936]

It is also a point for consideration that with the exception of Bengal, the fee in every other province including Burma is only Rs. 500. In the opinion of the Bar Council the fee for licensing practitioners should not be looked upon as a source of taxation. I am therefore to request that the Government will be pleased to consider the matter and reduce the fee payable on entry as an advocate from Rs. 625 to what it was before the recent enhancement, namely Rs. 500.

(2)

G.O. Ms. No. 3624, Law (General), dated 18th November 1935.

READ—the following papers:—

From the Secretary, Bar Association, Madura, dated 16th February 1935.

From the Secretary, Bar Association, Bezwada, dated March 1935.

From the Secretary, Bar Association, Bapatla, dated 10th April 1935.

From the Secretary, Bar Council, Madras, dated 8th May 1935, R.O.C. No. 392/35.

From the Secretary, Bar Association, Tanjore, dated 8th July 1935.

From the Board of Revenue (Separate Revenue), dated 14th July 1935, D. No. 405-Mis. Stamps.

From the Acting Registrar, High Court, dated 27th August 1935, R.O.C. No. 2395-B-2/35.

Order—Ms. No. 3624, *Law* (*General*), *dated* 18*th November* 1935.

The Bar Council, Madras, and certain Bar Associations in the mufassal have made the following suggestions in respect of the levy of stamp duty on entry as an advocate and the enrolment of First Grade Pleaders as Advocates:—

(i) that the existing stamp duty of Rs. 625 for entry as an advocate may be reduced to Rs. 500 or to Rs. 200; and

(ii) that the existing First Grade Pleaders in the Presidency may be permitted to enrol themselves as advocates on payment of a stamp duty of Rs. 200 each.

A suggestion has also been made by a non-official member of the Legislative Council that the stamp duty leviable for entry as an advocate may be allowed to be paid in instalments.

2. The Government have considered the suggestions. They regret that they are unable at present to accept the suggestion that the stamp duty for entry as an advocate may be reduced to Rs. 500 or Rs. 200,

[29th January 1936

but they will be prepared to consider the question of reducing the stamp duty to Rs. 500 when their financial position improves. The Government are unable to accept the other suggestions.

(By order of the Governor in Council)

C. Govindan Nair,
Joint Secretary to Government.

To the Hon'ble the Chief Justice (with C.L.).
,, Board of Revenue (Separate Revenue).
,, Secretary, Bar Council, Madras (with C.L.)
,, Secretary, Bar Association, Madura.
,, Secretary, Bar Association, Bezwada.
,, Secretary, Bar Association, Bapatla.
,, Secretary, Bar Association, Tanjore.
,, Revenue Department.
,, Finance Department.

Appendix II.

[Vide answer to question No. 546 asked by Diwan Bahadur T. A. Ramalingam Chettiyar at the meeting of the Legislative Council, held on the 29th January 1936, page 35 supra.]

Programme or expenditure on accelerated and widespread programme of irrigation works in Kollegal taluk, Coimbatore district, for 1935–36.

Name of work.	Expenditure proposed in 1935–36.
	RS.
(1) Doddaranganathan tank (repairs)	1,556
(2) Chikkaranganathan tank (improvements) ...	842
(3) Kongalkarai tank (improvements)	1,703
(4) Mudikondan tank (improvements)	2,382
(5) Palayam tank (improvements)	3,517
Total ...	10,000

29th January 1936]

Appendix III.

[Vide answer to question No. 568 asked by Mr. M. B. Rangaswami Reddi at the meeting of the Legislative Council held on the 29th January 1936, page 52 supra.]

Note.

It may be said that, at the start, there was practically no information about the millets on which research could proceed; but this knowledge is being rapidly acquired. The millets are typically crops of dry land and are exposed to all the vicissitudes of season that that implies; so that bad weather may occasionally nullify a whole year's work. Even so, it takes normally from seven to ten years of research on any crop before definite economic results can be expected. The following results have nevertheless been achieved.

2. (*a*) Of ragi (Eleusine coracana) the superior strain E.C. 593 has been evolved, which has been disseminated widely in the Deccan and Central districts, and south to Coimbatore. Its superiority is estimated at 20 per cent and the cash value of that increase at Rs. 2-8-0 an acre at least. A white grained ragi supplied by the Millet Specialist, is being tested for nutritional value.

(*b*) A particular strain of cholam (Sorghum vulgare), N. 28/3, has for three years given an increased yield on the average of 28 per cent over local varieties in Kurnool; this is being distributed. A white irrigated variety, A.S. 367, is spreading in Chittoor, and a strain recently evolved, A.S. 2095, is being distributed in the neighbourhood of Kovilpatti, in Chittoor and in Vellore. A white chitrai cholam, A.S. 1575, is beginning to spread in Coimbatore; a red strain, A.S. 841, has just been given out in Salem. For all of these improved strains a 10 per cent increase over the local varieties can be claimed. Two strains of Peria Manjal cholam, useful both for grain and for fodder, A.S. 29 and 1098, have been evolved; and some 6,500 lb. of seed have so far been distributed. More than fifty varieties have been tested for their suitability for malting; of which two, found satisfactory, have been multiplied and will be tried out on a large scale.

(*c*) A good strain of korra (Setaria Italica), S.I. 523, has just been distributed in Salem and Coimbatore; more than 200 lb. of seed has been distributed so far.

(*d*) A variety of cumbu (Pennisetum typhoideum) M.S.P.T. 2229, has proved successful, and is being multiplied for distribution.

3. Most of the millets are intensely local in their evolution and distribution, and for this reason assistants trained in the breeding of millets have been stationed at Nandyal, Guntur and Kovilpatti, to help the circle officers in the solution of local problems. A superintendent and two assistants similarly trained have been posted to the Dry Farming Research Scheme at Hagari.

APPENDIX IV.

[Vide answer to question No. 569 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 29th January 1936, page 53 supra.]

Number of Agricultural Demonstrators recruited during the years 1930–35 with districtwar and communitywar particulars in each year.

District.	1930.				1931.				1932.				1933.				1934.				1935.				
	Brahman.	Non-Brahman.	Indian Christian.	Muhammadan.	Brahman.	Non-Brahman.	Indian Christian.	Muhammadan.	Brahman.	Non-Brahman.	Indian Christian.	Muhammadan.	Brahman.	Non-Brahman.	Indian Christian.	Muhammadan.	Brahman.	Non-Brahman.	Indian Christian.	Muhammadan.	Brahman.	Non-Brahman.	Indian Christian.	Muhammadan.	Total.
Ganjam ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Vizagapatam	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1
East Godavari	3	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	5
West Godavari	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Kistna ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Guntur ..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1
Nellore ..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1
Kurnool ..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	2
Bellary ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Anantapur	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Cuddapah	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Chittoor ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	1
North Arcot	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1
Chingleput	..	..	..	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2
South Arcot	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	1
Trichinopoly	1	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	1	1	4
Tanjore ..	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2
Madura ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Ramnad ..	1	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	2
Salem ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Coimbatore	..	..	..	1	..	..	..	..	..	1	..	..	..	..	..	1	..	1	..	..	..	..	..	..	4
Malabar ..	..	1	..	..	..	..	..	1	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	3
South Kanara	2	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	3
The Nilgiris	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Madras ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Tinnevelly	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2
Cochin State	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	1
Total ..	10	7	..	2	3	1	..	1	..	1	..	..	1	1	2	2	..	2	1	..	..	..	1	1	36

29th January 1936]

APPENDIX V.

[*Vide* answer to question No. 580 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 29th January 1936, page 65 *supra*.]

Name of the district board.	Rate of education tax.
Anantapur	19-4/9 per cent of land-cess.
North Arcot	19-4/9 do.
South Arcot	16-2/3 do.
Bellary	8-1/3 do.
Chingleput	18-1/18 do.
Chittoor	11-1/9 do.
Coimbatore	19-4/9 do.
Cuddapah	15-5/18 do.
Ganjam	15-5/18 do.
East Godavari	16-2/3 do.
West Godavari	16-2/3 do.
Guntur	16-2/3 do.
Ongole	16-2/3 do.
South Kanara	20-5/6 do.
Kistna	16-2/3 do.
Kurnool	16-2/3 do.
Madura	18-1/18 do.
Ramnad	16-2/3 do.
Salem	16-2/3 do.
East Tanjore	8-1/3 do.
West Tanjore	8-1/3 do.
Tinnevelly	9-13/18 do.
Trichinopoly	19-4/9 do.
Vizagapatam	13-8/9 do.
Bobbili	8-1/3 do.
The Nilgiris	} 25 per cent of land-cess and 25 per cent of the profession tax.
Malabar	}
Nellore	16-2/3 per cent of land-cess in Podili taluk.

TAMIL NADU LEGISLATIVE ASSEMBLY
TRUTH ALONE TRIUMPHS

[29th January 1936

Appendix VI.

[Vide answer to question No. 584 asked by Mr. M. B. Rangaswami Reddi at the meeting of the Legislative Council held on the 29th January 1936, page 67 supra.]

Statement showing the number of arrack and toddy shop renters who failed to pay the entire rent for the past three years in North Arcot district.

Name of taluk. (1)	Year. (2)	Number of renters who failed to pay the entire rentals at the end of the lease. (3)	Amount defaulted by persons shown in column (3). (4)	Annual rentals of such shops. (5)	Number of persons placed in jail for default of payment. (6)
			RS.	RS.	
Vellore ..	1932–33 ..	5	183	4,704	..
	1933–34 ..	4	1,060	6,348	1
	1934–35 ..	..	..	..	..
Tiruppattur	1932–33 ..	1	137	612	..
	1933–34 ..	1	10	1,860	..
	1934–35 ..	..	..	..	..
Gudiyattam ..	1932–33 ..	15	1,849	24.768	1
	1933–34 ..	20	2,811	23,412	2
	1934–35 ..	5	903	4.365	..
Polur ..	1932–33 ..	15	1,062	15,720	2
	1933–34 ..	14	1,400	8 196	..
	1934–35 ..	3	1,571	4,416	1
Tiruvannamalai ..	1932–33 ..	12	4.212	8,052	4
	1933–34 ..	25	4,430	35,604	2
	1934–35 ..	2	242	420	..
Chengam ..	1932–33 ..	11	2,093	14,316	..
	1933–34 ..	11	1,783	6,648	2
	1934–35 ..	10	596	2,832	..
Cheyyar ..	1932–33 ..	1	41	396	..
	1933–34 ..	2	127	660	..
	1934–35 ..	4	443	2,592	..
Wandiwash ..	1932–33 ..	2	62	792	..
	1933–34 ..	1	130	780	..
	1934–35 ..	..	..	..	..
Walajah ..	1932–33 ..	8	745	11,100	1
	1933–34 ..	10	1,059	22,704 }	3
	1934–35 ..	12	138	6,408 }	
Arkonam ..	1932–33 ..	5	859	6,084	1
	1933–34 ..	6	1,009	6,880	..
	1934–35 ..	3	62	2,796	..
Arni ..	1932–33 ..	..	..	..	..
	1933–34 ..	1	195	1,032	1
	1934–35 ..	..	..	..	..

29th January 1936]

APPENDIX VII.

[Vide item II on page 67 supra.]

Report of the Select Committee regarding amendment to Standing Order No. 5 (b) (5).

To

THE HONOURABLE MEMBERS OF THE MADRAS LEGISLATIVE COUNCIL.

The Select Committee appointed to report on an amendment to Standing Order No. 5 (*b*) (5) of the Council moved by Mr. P. V. Krishnayya Choudari at the meeting of the Legislative Council held on the 5th November 1935 has the honour to make the following report :—

2. The amendment is as follows :—

For Standing Order No. 5 (*b*) (5) *substitute* the following :—

" (5) A separate ballot shall be held—

(*a*) for motions relating to Bills mentioned in (iv) of clause (2);

(*b*) for motions relating to Bills mentioned in (v) of clause (2); and

(*c*) for resolutions."

3. At present a combined ballot is held to determine the relative precedence of motions relating to Bills, whether they are Bills which have already been introduced and in respect of which the motion is one of those mentioned in Standing Order No. 37, or whether they are Bills which have not yet been introduced and in respect of which the motion is one for leave to introduce. As a result of this procedure, a Bill which has not yet been introduced sometimes gets precedence over one which has been introduced and which is sought to be either referred to a Select Committee or considered at once without at all being referred to a Select Committee. Further, as there is only a single ballot for both the abovementioned classes of Bills, each member can, by the operation of clause (7) of Standing Order No. 5, ballot only for one Bill in the combined group. The

[29th January 1936

effect of Mr. Krishnayya Choudari's amendment is firstly to give preference to Bills which have been introduced over Bills which have not yet been introduced and secondly to enable a member to ballot for one Bill for leave to introduce, and another Bill for reference to Select Committee or circulation or consideration under Standing Order No. 37.

The Committee thinks that the amendment is desirable and may be accepted.

4. The Committee recommends that the following amendments be made :—

Amendments.

For clauses (4) and (5) of Standing Order No. 5 (*b*) *substitute* the following :—

"(4) The relative precedence—

(*a*) of Bills falling under sub-clause (iv) of clause (2),

(*b*) of Bills falling under sub-clause (v) of clause (2), and

(*c*) of resolutions,

shall be determined by ballot.

(5) A separate ballot shall be held—

(*a*) for motions relating to Bills falling under sub-clause (iv) of clause (2);

(*b*) for motions relating to Bills falling under sub-clause (v) of clause (2); and

(*c*) for resolutions."

B. RAMACHANDRA REDDI,

26*th November* 1935. *Chairman.*

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Thursday, the 30th January 1936.

The House met at eleven of the clock, Mr. President (the Hon. Mr. B. Ramachandra Reddi) in the Chair.

PRESENT:

Reddi Nayudu, *Kt.*, The Hon. Rai Bahadur Sir K. V.
Pannirselvam, The Hon. Rao Bahadur A. T.
Souter, K.C.I.E., C.S.I., I.C.S., The Hon. Sir Charles.
Bracken, C.S.I., C.I.E., I.C.S., The Hon. Mr. G. T. H.
Raja of Bobbili, K.C.I.E., The Hon. the
Rajan, The Hon. Mr. P. T.
Kumaraswami Reddiyar, The Hon. Diwan Bahadur S.
Abdul Hameed Khan Sahib Bahadur.
Ahmed Meeran Sahib Bahadur.
Alamelumangathayaramma, Mrs. K.
Annamalai Chettiyar, Mr. S. A. A.
Appadurai Pillai, Diwan Bahadur A.
Arasu, Mr. V. T.
Ari Gowder, Mr. H. B.
Basheer Ahmed Sayeed Sahib Bahadur.
Basu Dev, Mr. C.
Beyabani Sahib Bahadur, S. M. K.
Bhanoji Rao, Sri A. V.
Boag, C.I.E., I.C.S., Mr. G. T.
Davis, Mr. J. A.
Devadasan, Mr. M.
Dharmalingam Pillai, Rao Sahib V.
Foulkes, Mr. G. F. F.
Gopalaswami Mudaliyar, Diwan Bahadur M.
Harischandrudu Nayudu, Mr. A.
Indrayya, Mr. C.
Iswaran Pillai, Mr. I. C.
Jagannatha Raju, Rao Bahadur G.
Jagannatham, Mr. H. M.
Jayaram Nayudu, Rao Sahib C.
Jones, I.C.S., Mr. C. E.
Kesavaramamurti Nayudu, Mr. K.
Kolanda Reddi, Rai Sahib C.
Koti Reddi, Mr. K.
Krishnayya Choudari, Mr. P. V.
Krishnamurti, Rao Bahadur D.
Krishnan, Mr. C.
Kumararaja of Venkatagiri, The.
Langley, Mr. W. K. M.
Madanagopal Nayudu, Mr. R.
Manikkavelu Nayakar, Mr. M. A.
Moidoo Sahib Bahadur, Khan Bahadur T. M.
Moses, Mr. P. C.
Muhammad Meera Ravuttar Bahadur, K. P. V. S.
Muniswami Pillai, Rao Sahib V. I.
Muthiah Chettiyar of Chettinad, Raj Kumar M. A.
Muthu Chettiyar, Rao Bahadur P. C.
Nachiyappa Gounder, Mr. K. A.
Nanjappa, Rao Bahadur Subadar-Major S. A.
Narasa Reddi, Mr. T.
Narasimhaswami, Rao Sahib D. V.
Natesa Mudaliyar, Diwan Bahadur C.
Palat, Mr. R. M.
Parthasarathi Ayyangar, Mr. C. R.
Patnaik Mahasayo, Sriman M. G.
Patro, K.C.I.E., Rao Bahadur Sir A. P.
Pattabhiramayya, Mr. K.
Pattagar of Palayakottai.
Peddi Raju, Mr. P.
Pocker Sahib Bahadur, B.
Premayya, Mr. G. R.
Rajagopala Pillai, Mr. P. V.
Raja of Kallikote, The.
Ramakrishna Reddi, Mr. A.
Ramalingam Chettiyar, Diwan Bahadur T. A.
Ramalinga Reddi, Mr. C.
Ramamurti, Rao Sahib Pandit Ganala.
Raman Menon, Mr. K. P.
Ramaswami Ayyar, Mr. T. S.
Ramaswami Mudaliyar, Mr. V. M.
Rameswara Rao, Mr. G.
Ranganatha Mudaliyar, Mr. A.
Rangaswami Reddi, Mr. M. B.
Ratnasabhapati Mudaliyar, Diwan Bahadur C. S.
Ratnavelu Thevar, Mr. P.
Reid, Mr. D. M.
Rukmani Lakshmipathi, Mrs. A.
Russell, I.C.S., Mr. T. B.
Schamnad Sahib Bahadur, Khan Bahadur Mahmud.
Scott Brown, I.C.S., Mr. W.
Sesha Reddi, Rao Bahadur B. P.
Shetty, Mr. A. B.
Siva Raj, Rao Sahib N.
Smith, Mr. J. M.
Sreshta, Mr. M. S.
Srinivasa Ayyangar, Mr. T. C.
Srinivasan, Diwan Bahadur R.

PRESENT—*cont.*

Sriramulu, Mr. G.
Stanes, Mr. F. J.
Subbarayan, Dr. P.
Subrahmanya Chetti, Rao Sahib P.
Subrahmanya Bhatt, Mr. U. C.
Sundara Rao Nayudu, Mr. T.
Syed Tajuddin Sahib Bahadur, Khan Sahib.
Thangal, Mr. P. M.
Thomas, Mr. Daniel.
Uzielli, C.I.E., I.C.S., Mr. H. R.
Vasudeva Pillai, Mr. V. G.
Venkatachala Reddiyar, Mr. K. C. M.
Venkatarama Ayyar, Mr. K. R.
Venugopal Nayudu, Rao Bahadur R. K.
Yahya Ali Sahib Bahadur, Khan Bahadur.
Yakub Hasan Sahib Bahadur.
Zamindar of Bodinayakkanur, The.
Zamindar of Kirlampudi, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Education

Age-limit of students studying in schools and colleges.

* 586 *Q.*— Mr. K. A. Nachiyappa Gounder: Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) whether there are any orders passed either by the Government or by the Director of Public Instruction prescribing the maximum age for a pupil studying in each class of an elementary or secondary school or in a college;

(*b*) if so, whether a copy of the order or orders will be placed on the table;

(*c*) whether such an order was widely published so as to attract the special attention of the parents and if so, in what way;

(*d*) whether this question of age is strictly followed in schools maintained by the district boards and municipalities;

(*e*) if not, what steps have been or are taken to enforce the said order in such schools; and

(*f*) how many students of colleges, secondary schools and elementary schools (each separately) have been expelled in the middle of their course in each year after this order was passed (districtwar figures may be furnished)?

A.—(*a*) *to* (*f*) No such orders as are referred to in clause (*a*) have been issued either by the Director of Public Instruction or the Government.

Mr. P. V. Krishnayya Choudari:—"May I know, Sir, whether it is not a fact that the Director of Public Instruction has passed certain proceedings stating that boys after a certain age should not be admitted into elementary schools?"

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"There are no such proceedings. About the year 1926 the Director advised the managers of institutions not to admit grown-up pupils in their

schools; for example, a young man of 25 will not be admitted into the fourth form. But this would not affect boys who are already there."

Mr. G. R. PREMAYYA:—" Is the Hon. Minister aware that a boy of 18 was not admitted?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" If that was done, the headmaster of the institution should have done it on his own responsibility and not on this circular."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—" May I know whether this advice is considered as an order to the teachers and managers?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" No, Sir. They have been definitely told that they are not bound to follow the advice."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—" Is there an order to the teachers and managers that there is no objection to admit pupils without consideration of age?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" What I am referring to is the circular issued in 1926; I am afraid very few headmasters remember it."

Mr. P. V. KRISHNAYYA CHOUDARI:—" Is it not advisable on the part of the Government to advise the Director of Public Instruction to fix a certain maximum age instead of saying ambiguously that grown-up boys should not be admitted?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" That has nothing to do with the proceedings of 1926. The question of fixing an age-limit may probably be relevant with regard to the proposal under consideration for educational reconstruction in the whole Presidency."

Shifting of the Government Training School, Salem, to Mettur.

* 587 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) whether orders have been passed for shifting the Government Training School at Salem to Mettur;

(*b*) if so, whether a copy of the order will be placed on the table;

(*c*) whether the school has actually been shifted to Mettur and if so, when;

(*d*) what the cost incurred is in making the accommodation suitable at Mettur;

(*e*) what the normal annual cost of the said training school was during the past year, and what the annual saving or extra expenditure expected by its transfer to Mettur is;

[30th January 1936

(*f*) what the buildings are which have been provided for the occupation of the staff of the said school;

(*g*) whether the buildings are of permanent structure, and if so, how long can they endure;

(*h*) whether it is a fact that better type of quarters are lying vacant at Mettur; and

(*i*) if so, what the reasons are for not providing those vacant quarters for the better accommodation of the staff and pupils?

A.—(*a*) Yes.

(*b*) This is not thought to be necessary.

(*c*) The school was actually transferred on November 1st.

(*d*) About Rs. 4,000.

(*e*) The cost for the year ending 31st March 1935 was Rupees 23,845-8-2.

The annual saving is expected to be Rs. 5,710.

(*f*) Subdivisional officers quarters for the headmaster.
Supervisors quarters for L.T. Assistants.
Higher-grade clerks quarters for other assistants (secondary-grade teachers and instructors).

(*g*) Yes; they will endure so long as they are properly maintained.

(*h*) & (*i*) The quarters provided are of a type consistent with the status of the occupants.

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I know, Sir, under what head this saving of Rs. 5,710 in respect of the Government Training School at Mettur would be effected?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I am sorry I cannot give the details; probably it will come mainly under rent of buildings."

Medical Administration

Enquiry into certain allegations made against the Medical Officer, Srivilliputtur.

* 588 *Q.*—Mrs. A. RUKMANI LAKSHMIPATHI: Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) whether it is a fact that a mahazar containing serious allegations against the Medical Officer in charge of the Srivilliputtur Government Hospital, Mr. Gopalakrishna Ayyar, was received by the Surgeon-General from the public of Srivilliputtur in the beginning of May 1935;

(*b*) whether any enquiry was made into the allegations, and if made, what the result was of the enquiry;

(*c*) by whom was the enquiry conducted;

30th January 1936]

(*d*) what action was taken in consequence of his report; and

(*e*) whether any representation has been made to the Surgeon-General that the present District Medical Officer is prejudiced in favour of the doctor and if so, whether any steps have been taken to institute any further enquiry by any other impartial officer?

A.—(*a*) Yes. A mahazar containing some allegations against the Civil Assistant Surgeon, Government Hospital, Srivilliputtur, was received by the Surgeon-General.

(*b*) & (*c*) An enquiry was conducted by the District Medical Officer, Ramnad, and nothing irregular was found against the Civil Assistant Surgeon.

(*d*) The papers were recorded.

(*e*) No.

Mrs. A. Rukmani Lakshmipathi:—"The reasons for asking the District Medical Officer, Ramnad, to make the enquiry are not given in the answer. The question states that this particular officer is prejudiced in favour of the doctor. May I know the reason for this, Sir?"

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"I do not think we can start with the presumption that the head of the administration in the district is prejudiced in favour of any particular individual."

Diwan Bahadur C. S. Ratnasabhapati Mudaliyar:—"May I know whether it was an open enquiry and whether the signatories to the petition were asked to be present at the time of the enquiry?"

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"Certain signatories to the mahazar were also examined."

Mr. V. M. Ramaswami Mudaliyar:—"May I know the nature of the allegations contained in the mahazar?"

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"That the medical officer was not attending to the patients properly, he was not sufficiently courteous to the patients, and allegations of that kind."

Mr. G. R. Premayya:—"Was there any difficulty in such an examination being conducted by the Collector of the district?"

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"I don't think it is at all necessary."

Vacancy remaining unfilled in the Queen Alexandra Hospital for Women, Salem.

* 589 *Q.*—Mr. K. A. Nachiyappa Gounder: Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) whether it is a fact that the Superintendent or Lady Assistant Surgeon's post in the Queen Alexandra Hospital for Women at Salem is left unfilled for about the last two months; and

(*b*) if so, what the reasons therefor are, and when it is likely to be filled?

[30th January 1936

A.—(a) The vacancy arose from the 29th July 1935.

(b) The Woman Assistant Surgeon attached to the Queen Alexandra Hospital for Women, Salem, had to be transferred from the place as her services were required elsewhere. As the cadre of the Women Assistant Surgeon was at the time short no substitute could immediately be posted to Salem. The necessary arrangements have since been made and a substitute posted to Salem.

Diwan Bahadur C. S. Ratnasabhapati Mudaliyar :—" In the answer it is stated that the vacancy has since been filled up. May I know on what date it was filled up and for what period it was kept vacant? "

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar :—" As my hon. Friend will see from the answer, the vacancy arose in July 1935; and in November 1935 it was filled up."

Diwan Bahadur C. S. Ratnasabhapati Mudaliyar :—" The answer states that the Woman Assistant Surgeon attached to the Queen Alexandra Hospital had to be transferred from Salem as her services were required elsewhere. May I know to what station she was transferred and if that station is more important than Salem? "

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar :—" Because Government considered that that place was more important, she was transferred."

Measures for the better equipment of the Tuberculosis Hospital.

* 590 Q.—Mr. A. Ranganatha Mudaliyar : Will the Hon. the Minister for Education and Excise be pleased to state the steps the Government have taken or propose to take to have a well-equipped tuberculosis hospital amidst hygienic surroundings?

A.—There is no proposal at present before Government for the construction of a Tuberculosis Hospital.

Diwan Bahadur M. Gopalaswami Mudaliyar :—" Is it not a fact that there is a Tuberculosis Hospital in Bellary, and is there any proposal before Government in order to see that it is made more up to date for the benefit of the people? "

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar :—" Notice, Sir."

Diwan Bahadur C. S. Ratnasabhapati Mudaliyar :—" The Hon. Minister says in his answer that ' there is no proposal at present before the Government for the construction of a Tuberculosis Hospital.' I take it that it refers to the hospital once proposed to be constructed in Madras. Now that the proposal to construct one on the Spur Tank was given up, is there any other proposal before Government? "

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar :—" There is no other proposal. There is a proposal however to take up the Tambaram Sanatorium."

30th January 1936]

Mr. T. S. Ramaswami Ayyar:—" May I know whether it is the intention of the Government to make the present hospital look like an efficient hospital or to keep it in its present condition? "

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" Government do not want that this hospital should remain in an inefficient condition, but if we find funds we will improve its condition."

B. Pocker Sahib Bahadur:—" May I know, Sir, whether there is any proposal to take up the Sanatorium at Tambaram under Government management? "

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" That is what I have already stated, that Government are proposing to take up the Tambaram Sanatorium under their management."

Examination of samples and stomach contents by the Government Chemical Examiner during the year 1934–35.

* 591 *Q.*—Mr. M. B. Rangaswami Reddi: Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) how many samples and stomach contents were received and examined by the Chemical Examiner to the Government of Madras during the year 1934–35; and

(*b*) the actual cost for examining each sample and stomach contents?

A.—(*a*) The following statement shows the number of cases dealt with and the number of articles analysed by the Chemical Examiner during 1934–35:—

	Cases.	Articles.
Human poisoning cases	337	2,007
Animal do.	19	71
Stain cases	999	5,192
Miscellaneous Medico-legal	99	598
General analysis..	154	154
Total ..	1,608	8,022

(*b*) It is not possible to work out the actual cost for examining each sample and stomach contents.

Need for the present staff at the Pasteur Institute, Coonoor.

* 592 *Q.*—Mr. M. B. Rangaswami Reddi: Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) whether after the adoption of the policy of giving anti-rabic treatment in all district headquarters hospitals, the continuation of the present staff of the Pasteur Institute, Coonoor, has been found necessary; and

(*b*) whether the question of appointing the Director on a lower scale of pay has been considered?

[30th January 1936

A.—(*a*) The continuation of the existing staff in the institute is necessary as the institute still continues to be a main centre for anti-rabic treatment and is the *only* place where anti-rabic vaccine is prepared. The institute also trains medical officers in anti-rabic treatment and does research work on the subject.

(*b*) No.

Mr. M. A. MANIKKAVELU NAYAKAR :—" May I know the reason why Government still persist in continuing the existing staff since the anti-rabic treatment is now done in all district headquarter hospitals, and since only vaccine is prepared in Coonoor and only certain cases are treated there? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" As the answer says, medical officers are trained there in anti-rabic treatment."

Representations for opening a rural dispensary at Komarapalayam, Salem district.

* 593 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER : Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) whether there are any proposals for opening new rural dispensaries during the year 1936–37 and if so, how many and in which of the places;

(*b*) whether any representations have been received from the people of Komarapalayam town in Salem district to sanction one for their place on the ground that it is a populous one and that they are refused medical aid at Bhavani in Coimbatore district though it is close by; and

(*c*) if so, in what way they have been disposed of?

A.—(*a*) There are no proposals for the opening of rural dispensaries in 1936–37 subsidized by Government.

(*b*) No.

(*c*) Does not arise.

Mr. P. V. KRISHNAYYA CHOUDARI :—" May I know why Government have not provided any rural dispensaries subsidized by Government in the coming year? Is it because the Government feel that there is sufficient medical aid now? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" There is no money."

Public Health

Qualifications and functions of the Assistant Directors of Public Health.

* 594 *Q.*—Mr. M. B. RANGASWAMI REDDI : Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) the jurisdiction and headquarters of the four Assistant Directors of Public Health;

30th January 1936]

(*b*) the qualifications of the existing incumbents and the nature of work turned out by each of them; and

(*c*) the total amount of travelling allowances and other general or special allowances drawn by each of them during 1934–35 and the number of places visited by each of them during 1934-35?

A.—(*a*) The jurisdiction of the Assistant Directors of Public Health including that of the Professor of Hygiene whose services are at the disposal of the Director of Public Health when he is not engaged on college work, and of the Assistant Directress of Public Health (Maternity and Child Welfare) extends throughout the Presidency and their headquarters is at Madras. For purposes, however, of supervision and inspection, the Assistant Directors of Public Health (Epidemics) (Vaccination) and (Vital Statistics) attached to the Office of the Director of Public Health have been placed in charge of a range each, the whole Presidency being divided into three ranges for the purpose.

(*b*)—

Serial number and name of the officer.	Qualifications.	Nature of work.
1 M.R.Ry. R. Adisesha Ayyar Avargal.	L.M. & S., B.S.Sc., Dip. Hyg. (Camb.).	Professor of Hygiene, Medical College, Madras, and Port Health Officer, Madras. When not actually engaged on college work his services are at the disposal of the Director of Public Health.
2 M.R.Ry. B. Ethirajulu Nayudu Garu.	L.M. & S., B.S.Sc., Dip. Hyg., D.T.M. & H. (Camb.).	Assistant Director of Public Health (Epidemics and Fairs and Festivals).
3 M.R.Ry. A. Thirumalai Nayudu Avargal.	L.M.S., L.R.C.P., L.R.C.S. (Edin.), L.R.F.P. & S. (Glas.), D.P.H. (Camb.).	Assistant Director of Public Health (Vaccination).
4 M.R.Ry. R. M. Mathew Avargal.	M.B.B.S., B.S.Sc., D.T.M. & H. (Camb.), D.P.H. (Camb.), M.R.C.P.	Assistant Director of Public Health (Vital Statistics).
5 Mrs. L. N. Veerasinghe Chinnappa.	M.B.B.S.	Assistant Directress of Public Health (Maternity and Child Welfare).

(*c*) Attention is invited to the statement [a] showing the travelling allowance drawn by each of them and the districts and municipalities visited by them. Besides travelling allowance no other general or special allowance was drawn by them.

Diwan Bahadur C. S. Ratnasabhapati Mudaliyar:—"May I know, Sir, whether posting four Assistant Directors of Public Health on functional basis is not more costly than their appointments on a territorial basis?"

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"I cannot answer that general question."

Diwan Bahadur C. S. Ratnasabhapati Mudaliyar:—"Will it not be convenient if they are given territorial jurisdiction?"

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"I cannot answer this question off-hand."

[a] Printed as Appendix I on pages 223–224 infra.

[30th January 1936

Need for the employment of a first-class Health Officer for research work during the year 1934–35.

* 595 *Q.*—Mr. M. B. Rangaswami Reddi: Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) the necessity for a first-class Health Officer for research work and the nature of the research work done during the year 1934–35; and

(*b*) whether this work cannot be turned out by the existing staff in the King Institute, Guindy, with the aid of Assistant Directors; if not, why not?

A.—(*a*) The improvement effected in the registration of vital statistics disclosed that apart from epidemic diseases, there are others such as beri-beri, guinea-worm, leprosy and diet deficiency diseases which on account of the mortality or morbidity caused by them are of great importance from the standpoint of public health. As the information available regarding the etiology, geographical distribution and other factors associated with these diseases is extremely vague, it was considered necessary to conduct research work as to the causation and prevention of these diseases and also to complete the research work on plague done in this Presidency under the auspices of the Indian Research Fund Association. A Research Health Officer in the grade of First-class Health Officer has accordingly been appointed. An account of the work done by him during 1934–35 will be found in paragraphs 74–77 of the Annual Report of the Director of Public Health, Madras, for 1934.

(*b*) The work done by the units in the King Institute, Guindy, is mainly concerned with the etiology, diagnosis and possible prevention of the diseases. The work done by the Research Health Officer is on the other hand entirely non-epidemiological in character involving a detailed study of social conditions, etc., and also a detailed statistical analysis of the data so obtained; it is not possible to combine the work of the two units. In fact, the work of the two units is really complementary for any complete investigation of these diseases.

As research work requires constant attention and freedom from extraneous interferences of any kind necessitating stay out of headquarters for prolonged periods extending to months, it will not be possible for the Assistant Directors to devote enough time for the above research work.

Diwan Bahadur C. S. Ratnasabhapati Mudaliyar:—" May I know the names of the districts to which the units have been posted? "

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" Notice, Sir."

Staff for rural sanitation work.

* 596 *Q.*—Mr. M. B. Rangaswami Reddi: Will the Hon. the Minister for Education and Excise be pleased to state the necessity for six Health Officers and five Health Inspectors for rural sanitation work separately?

A.—There are six rural sanitation units. Each unit consists of a Second-class Health Officer and a Health Inspector except the sixth unit, which has a compounder in place of the Health Inspector. The rural sanitation units are engaged on an educative campaign on hookworm disease and soil pollution, hookworm survey and mass treatments for hookworm infestation, and construction of bore-hole and other cheap latrines in villages. A unit works on an average for three years in each district.

The present district health staff is quite inadequate for the routine health work in villages and so a special staff with special training is necessary for this special branch of work.

Employment of women as vaccinators.

* 597 *Q.*—Mrs. K. Alamelumangathayaramma: Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) what the minimum qualification prescribed for the post of vaccinators is;

(*b*) how many women there are who are employed as vaccinators by the Government; and

(*c*) since when women have been employed as vaccinators?

A.—(*a*) Direct recruitment to posts of vaccinators included in the Madras Public Health Subordinate Service is only in the second class and the qualifications for appointment as second-class vaccinators are as follows:—

(1) The candidate should possess the minimum educational qualification prescribed in the general rules relating to subordinate services.

(2) He should be able to read and write the vernacular language of the taluk in which he is employed, shall have completed a course of training in vaccination prescribed by the Director of Public Health and should in the opinion of the appointing authority be physically fit for camp life.

A vaccinator, second class, shall not be eligible for promotion to the first class unless—

(1) he possesses the qualifications prescribed by the Government for appointment as a Sanitary Inspector or a Sub-Assistant Surgeon;

[30th January 1936

(2) he is able to read and write at least two vernacular languages of the Presidency of Madras;

(3) he has completed a course of training in vaccination at the King Institute, Guindy; and

(4) he is in the opinion of the appointing authority physically fit for camp life.

(*b*) & (*c*) Government employ vaccinators only in the Agency. None of these vaccinators is a woman.

Diwan Bahadur A. APPADURAI PILLAI:—" May I know, Sir, whether there is any objection to the employment of women as vaccinators? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" There is no objection at all, Sir."

Diwan Bahadur A. APPADURAI PILLAI:—" May I know, whether the Government will consider the desirability of appointing women vaccinators if they are prepared to come forward and if a number of qualified women are available? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I do not think qualified women vaccinators are available in any large numbers."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—" Will Government be pleased to advise the local boards to see that a certain number of women are appointed as vaccinators? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" It is not possible to do so, as there are no women vaccinators available."

Co-operation

Help rendered by the Provincial Weavers' Co-operative Society to the handloom weavers of the province.

* 598 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Public Works be pleased to state—

(*a*) what work has the Board of Directors of the Provincial Weavers' Co-operative Society turned out so far to help the handloom weavers of this province;

(*b*) how many affiliated societies have so far been started in each district and what they are; and

(*c*) how long this work is likely to continue and whether the Government of India have agreed to pay grants for this work every year?

A.—(*a*) It is not possible to state in answer to a question what the society has done. It may, however, be briefly stated that the society started business on 12th August 1935. It has appointed its Secretary, Marketing Officer and six district supervisors. The Secretary is chiefly employed in collecting subscriptions and generally looking to the

30th January 1936]

finances of the society. The Marketing Officer is studying marketing possibilities in Madras and the mufassal, fixing agencies in these places, and collecting samples of cloth produced in several areas. The district supervisors are engaged in similar work. Arrangements are being made to supply primary societies with yarn of correct length and weight at the price ruling on the day of delivery.

(b) There are now 15 affiliated societies whose names are given in the list [a] appended. Production societies are being organized at Melapalayam, Conjeeveram, Narayanavaram, Pedana, Rayadrug and Tanjore.

(c) The work is likely to continue for as long as the Government of India give the grant which will be received till 1938–39.

Mr. P. V. Krishnayya Choudari:—" Are there any rules restricting the affiliation of societies? "

The Hon. Mr. P. T. Rajan:—" I cannot say off-hand."

Public Works

Recruitment of Assistant Engineers and Supervisors since 1930.

* 599 *Q.*—Mr. K. A. Nachiyappa Gounder: Will the Hon. the Minister for Public Works be pleased to state—

(a) how many Assistant Engineers and how many supervisors have been recruited for the Public Works in each year since 1930;

(b) what the communitywar and districtwar strength is of each class of these appointments in each year; and

(c) whether there is direct recruitment of Executive Engineers and if so, how many have been selected in each year since 1930; and how many such posts have been filled by promotion in each year?

A.—(a) & (b)—

Assistant Engineers.

	Brahman.	Non-Brahman.	Others.	Total.
1930	8	..	..	8
1931	..	1	..	1
1932 to 1934	..	..	..	..
1935	8	8	..	16

Supervisors.

	Brahman.	Non-Brahman.	Christian.	Muhammadan.	Total.
1930	39	23	4	1	67
1931	7	7	1	..	15
1932 to 1935	..	..	..	..	..

Information regarding the districtwar strength is not available.

[a] Printed as Appendix II on page 224 infra.

[30th January 1936

(c) There is no direct recruitment of Executive Engineers. They belong to the All-India Service and are recruited by the Secretary of State first as Assistant Executive Engineers and are promoted to the rank of Executive Engineers.

One post of Assistant Executive Engineer was filled up by promotion of an Assistant Engineer in 1931.

Veterinary

Proposals for the extension of the course of study and the affiliation of the Veterinary College to the University.

* 600 *Q.*—Mr. A. B. Shetty: Will the Hon. the Minister for Public Works be pleased to state what action has been taken in regard to the extension of the veterinary course to a period of five years and the affiliation of the Veterinary College to the University?

A.—A proposal for the introduction of the Bachelor of Veterinary Science Degree Course extending to ten terms (three years and one academic term) at the Madras Veterinary College from July 1935 was sanctioned by Government; but the course has not been introduced as the Inspection Commission appointed by the Madras University to inspect the College made some recommendations which involved further expenditure requiring Government sanction, before the University could be asked to affiliate the College. The recommendations of the Inspection Commission are under the consideration of Government. There is no proposal to extend the course to a period of five years.

Mr. A. B. Shetty:—" May I know what expenditure is required for carrying out the recommendations of the Inspection Commission? "

The Hon. Mr. P. T. Rajan:—" About Rs. 4,500."

Mr. A. B. Shetty:—" In view of this small sum that is required, may I know why Government should take further time to consider this matter? "

The Hon. Mr. P. T. Rajan:—" The matter is under consideration. I believe this has been considered as a Part II scheme for 1936–37."

Local Self-Government

Protests against the constitution of Udipi into a municipality.

* 601 *Q.*—Mr. A. B. Shetty: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) how many representations and objections have been received by the Government against the proposal to constitute Udipi into a municipality after the publication of the preliminary notification in the Gazette; and

30th January 1936]

(b) whether requests have been made to the Hon. the Chief Minister to permit a deputation to wait on him and what reply was sent to them?

A.—(a) Thirty-one; but they were mostly copies of the same petition but signed by different individuals.

(b) Yes. No reply was considered necessary as the final order constituting the municipality was issued on 8th October 1935.

Reasons for constituting Udipi into a municipality.

* 602 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) the number of rural towns with a population larger than that of Udipi in this Province; and

(b) the reasons for constituting a municipality for Udipi against the wishes of the people at this time of depression, while towns with larger population have not yet got a municipality?

A.—(a) The attention of the hon. Member is invited to Table IV of the Census of India, 1931, Volume XIV—Madras—Part II—Imperial and Provincial Tables.

(b) The constitution of Udipi into a municipality was considered necessary in the interests of public health as it is an important pilgrim centre.

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"May I know, Sir, whether it was on the recommendation of the Collector of the district that Udipi was constituted into a municipality?"

The Hon. the RAJA OF BOBBILI:—"It may be on his recommendation also."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Is it not a fact that there are too many hotels in Udipi and that there should be better sanitation in the place?"

Basis for fixing the motor car allowances of Municipal Commissioners.

* 603 Q.—Mr. M. S. SRESHTA: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) the salary and motor car allowance of each Commissioner of municipality; and

(b) the basis on which the motor car allowance is calculated?

A.—(a) A statement [a] showing the particulars referred to, as on the 3rd January 1936, is appended.

(b) The rates of conveyance allowance payable to commissioners have been generally fixed on the basis of the rank of the officers.

[a] Printed as Appendix III on pages 225–226 infra.

[30th January 1936

Mr. M. S. Sreshta:—" May I know, Sir, whether any minimum mileage is fixed for allowance? "

The Hon. the Raja of Bobbili:—" This allowance is given for outdoor work within municipal limits and there is no mileage in this question."

Mr. M. S. Sreshta:—" Is it not a fact that almost every Commissioner of a municipality maintains a motor car as it is not possible for him within the limited time at his disposal to cover the long distances except by going in a motor car? "

The Hon. the Raja of Bobbili:—" It may be that every Commissioner maintains a motor car; but these allowances are not really motor car allowances. They are conveyance allowances which are given according to the status of these Commissioners. Government also do not expect the Commissioners of small municipalities to maintain motor cars."

Mr. M. S. Sreshta:—" Is it not a fact that many Commissioners do not do sufficient inspection work on account of the fact that their allowance is not sufficient? "

The Hon. the Raja of Bobbili:—" I am afraid I cannot give a straight answer to the question. As far as Government are concerned, no Commissioner has so far reported that he is unable to undertake adequate inspection for this reason."

Mr. M. S. Sreshta:—" Will Government please call for a statement showing what mileage is covered by each Commissioner? "

The Hon. the Raja of Bobbili:—" It is possible to get that, but as a matter of fact, all fixed conveyance allowances are given irrespective of the mileage covered. Grades of allowance to Commissioners will more or less depend on the size and importance of the municipality."

Mr. V. M. Ramaswami Mudaliyar:—" May I know, Sir, what possible objection Government can have to the grant of increased allowances to Commissioners? "

The Hon. the Raja of Bobbili:—" The whole idea is that there should be uniformity in regard to this matter."

Diwan Bahadur M. Gopalaswami Mudaliyar:—" May I know whether it will not be in the interests of the municipalities generally, whether they are small or large, if conveyance allowance is fixed once for all and the pay of the Commissioners if possible reduced? "

The Hon. the Raja of Bobbili:—" I cannot say how it would satisfy the Commissioners if conveyance allowances are fixed once for all and they are kept on a particular pay."

11-15 a.m. Diwan Bahadur C. S. Ratnasabhapati Mudaliyar:—" May I know, Sir, whether Government have not granted to chairmen of municipalities Rs. 100 and more while their executive duty is practically nil? "

30th January 1936]

The Hon. the RAJA OF BOBBILI :—" The allowances have been granted, it is presumed, before the appointment of Commissioners and in some cases the chairmen are not granted any allowance at all."

Maximum pay and allowances admissible to a Municipal Commissioner deputed from other services.

* 604 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER : Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) what the maximum pay and allowances on an aggregate to be paid to any municipal commissioner is;

(*b*) whether the allowances include the pensionary contribution and leave allowances paid by a municipality on behalf of Commissioner whose services are lent to the municipality; and

(*c*) whether such a question arose in any municipality; if so, from where and what orders have been passed thereon and whether a copy of it will be placed on the table?

A.—(*a*) The attention of the hon. Member is invited to clause (*a*) of sub-section (6) of section 12-C of the Madras District Municipalities Act, 1920.

(*b*) No.

(*c*) Yes; in Coimbatore. Paragraph 1 of G.O. No. 4966, L. & M., dated the 2nd December 1935, passed in that case, is placed on the table.[a]

Mr. K. A. NACHIYAPPA GOUNDER :—" May I know, Sir, whether it was not thought at the time of passing the Act that the maximum expenditure to be incurred by the municipality should include everything?"

The Hon. the RAJA OF BOBBILI :—" The question has been examined and Government have ruled that contributions and leave allowances are not included."

Mr. V. M. RAMASWAMI MUDALIYAR :—" May I know, Sir, whether Government are aware that in the same municipality municipal engineers and health officers draw a larger allowance?"

The Hon. the RAJA OF BOBBILI :—" I am aware there are such cases. I feel that in such cases the municipality has been too generous."

Alleged disobedience of Government Orders on the part of the Commissioner, Narasaraopet Municipality.

* 605 *Q.*—Mr. G. SIMHACHALAM PANTULU : Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether the Municipal Commissioner, Narasaraopet Municipality, Guntur district, refused to give effect to the orders passed by the Government in their G.O. Ms. No. 3892, L. & M., dated 24th September 1935; and

[a] Printed as Appendix IV on pages 226–227 infra.

(b) what action the Government propose to take against the Commissioner for disobedience and dereliction of duty?

A.—(a) No.

(b) The question does not arise.

Communal representation in the services of local boards and municipalities.

* 606 *Q.*—Mr. Mahoob Ali Baig: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether rules have been issued under the amended provisions of the District Municipalities Act and Local Boards Act in regard to communal representation in services in municipalities and district boards;

(b) if the answer to clause (a) is in the affirmative, what the dates of issue of the rules were; and

(c) whether any complaints have been received by the Government that the Presidents and the Commissioners have not been giving effect to the rules under some pretext or other?

A.—(a) The rules relating to representation of communities in services under district boards have been issued. Similar rules for municipal councils will be issued after the designations and scales of pay of municipal establishments are standardized.

(b) The rules relating to district boards were published in Part I-A of the *Fort St. George Gazette*, dated 2nd July 1935, and they came into force from 15th July 1935.

(c) No.

Representation of Muslims in the cadre of Municipal Commissioners and Panchayat Officers.

* 607 *Q.*—Mr. Mahoob Ali Baig: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) the number of Municipal Commissioners and Panchayat Officers appointed till now;

(b) the number of Muslims appointed to the said posts; and

(c) whether the proportion of Muslim appointees is in accordance with the communal Government Order; if not, why not?

A.—(a) & (b) Out of a total number of 103 persons appointed as Commissioners and 34 as District Panchayat Officers up to 3rd January 1936, 8 of the former and 2 of the latter were Muhammadans.

(c) The attention of the hon. Member is invited to the answer to clause (c) of his question No. 75 answered on the 3rd August 1934 and to the answers to the supplementary questions on his question No. 263 delivered on the 24th October 1934.

30th January 1936]

Mr. M. A. Manikkavelu Nayakar:—" Is it a fact that many communities among Hindus are not represented and, if so, may I know how Government propose to remedy the grievance? "

The Hon. the Raja of Bobbili:—" It is not possible to say how many communities are represented."

Pay of the employees of the ex-Taluk Board of Sattenapalle, Guntur district.

* 608 *Q.*—Mr. G. Simhachalam Pantulu: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that the Government issued orders that the ex-taluk board employees of Sattenapalle, Guntur district, should not be paid at the rates restored by the taluk board during the period of notice served on them consequent on the abolition of the taluk board and if so, the reasons therefor; and

(*b*) whether the district board of Guntur had recommended that these employees should be paid at the rate at which they were receiving their salaries before the abolition of the taluk board?

A.—(*a*) Yes; because the amount of expenditure incurred on establishment even at the rates of salaries which were in force prior to the restoration of the enhanced rates, very much exceeded the prescribed limits.

(*b*) No; but the President, District Board, Guntur, addressed the Government in the matter.

Applicability of G.O. No. 2341, L. & M., dated 20th June 1935, to promotions of secondary school teachers as headmasters of board high schools.

* 609 *Q.*—B. Pocker Sahib Bahadur: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether the post of the headmasters of the district board high schools is treated as a special category; and

(*b*) if so, whether the Madras District Board (Communal Representation) Rules—G.O. No. 2341, L. & M., dated 20th June 1935, apply to the appointment of headmasters of board high schools by promotion of secondary school teachers?

A.—(*a*) Yes, as a selection post.

(*b*) No.

B. Pocker Sahib Bahadur:—" May I know, Sir, whether Government will consider the advisability of applying the principles of the communal Government Order to the special cadre of headmasters also? "

The Hon. the Raja of Bobbili:—" In the case of the selection posts it is not possible to apply the communal Government Order. We are prepared to issue an order that as far as possible the claims of each community should be taken into consideration in filling up those posts."

[30th January 1936

Deposit of the funds of local bodies and municipalities into the District Urban Banks.

* 610 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether orders have been passed providing stringent rules in the matter of local boards and municipalities investing deposits in the District Urban Banks;

(*b*) if so, whether a copy of each of such orders will be placed on the table;

(*c*) what the reasons are that weighed with the Government for passing such orders;

(*d*) whether representations have been received either from the Central banks or from the local boards and municipalities concerned to relax those rules; and

(*e*) if so, from whom and when; and what orders have been passed thereon?

A.—(*a*) *to* (*c*) A copy of G.O. No. 5210, L. & M., dated 13th December 1933, is laid on the table.[a]

(*d*) & (*e*) No.

Mr. K. A. NACHIYAPPA GOUNDER:—" In view of the fact that several district banks are in need of deposits will the Government consider the desirability of cancelling or modifying the orders? "

The Hon. the RAJA OF BOBBILI:—" Even now there is no prohibition. Deposits should be made with the permission of the Registrar of Co-operative Societies. Some time back this restriction was placed in the interests of the co-operative banks on the recommendation of the Registrar. Even now there is no prohibition. The only restriction is that the permission of the Registrar should be obtained."

Mr. P. V. KRISHNAYYA CHOUDARI:—" Is it not a fact, Sir, that the Registrar refuses permission without assigning reasons? "

The Hon. the RAJA OF BOBBILI:—" It may be a fact. The grounds are that co-operative banks have large surpluses for which they could not find an opening. It was considered necessary that some restriction should be placed in the interests of the banks themselves."

Scheme, if any, for the utilization of the grant of Rs. 16 lakhs given by the Government of India.

* 611 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Minister for Local Self-Government be pleased to state whether the Government of Madras have made any plan or scheme for utilizing the amount of Rs. 16 lakhs given by the Government of India to the Madras Government; if so, whether the Hon. Minister will be pleased to place on the table a detailed explanation of the said scheme?

[a] Printed as Appendix V on pages 227–228 infra.

A.—The attention of the hon. Member is invited to the answer to question No. 455. A sum of Rs. 14 lakhs only has been allotted to this province.

Mr. V. M. Ramaswami Mudaliyar:—"May I know how much of this amount of 14 lakhs has been used for this Province?"

The Hon. the Raja of Bobbili:—"All the amount has now been allotted to various local boards and the Public Health Department. Half a lakh of discretionary grants to district officers has also been included in it. We expect that most of the money will be spent by the end of this year. It is not possible to say how much money has so far been spent by each of the local bodies."

Scheme of expenditure of the grant sanctioned by the Government of India for rural reconstruction.

* 612 *Q.*—Mrs. A. Rukmani Lakshmipathi: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether the Government have prepared any scheme for spending the amount sanctioned by the Government of India for rural reconstruction in this province;

(*b*) if so, what the purposes are for which it will be expended;

(*c*) what the amounts proposed to be spent under each head are;

(*d*) whether the Government propose to place that scheme before this House for approval; and

(*e*) if not, why not?

A.—The attention of the hon. Member is invited to the answer to question No. 455.

Personnel of the Committee appointed to distribute the grant of the Government of India for rural development.

* 613 *Q.*—Mr. M. S. Sreshta: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) what amount has been allotted by the Government of India for rural development in this Province;

(*b*) whether a Committee has been appointed to report on the amount to be allotted to each district;

(*c*) if so, who the members of this Committee are;

(*d*) what steps have been taken to represent on this Committee the interests of South Kanara and of Malabar;

(*e*) whether an allotment has been proposed by this Committee for each district;

(*f*) if so, on what principles this allotment has been based; and

(*g*) what amount has been allotted to each district?

A.—(*a*) & (*b*) The attention of the hon. Member is invited to the answer to question No. 455.

(*c*) *to* (*g*) Do not arise.

[30th January 1936

Proposals for the expenditure of the grant sanctioned by the Government of India for rural development.

* 614 *Q.*—Mr. K. A. Nachiyappa Gounder: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) what the amount of grant sanctioned by the Government of India to this Government for rural development during the current year is;

(*b*) what the works are that are to be undertaken from this grant and by which agency these works are to be done;

(*c*) on what basis this grant is distributed to various districts;

(*d*) whether this Government contribute any sum to supplement the grant and, if so, how much; and

(*e*) whether copies of orders passed in these matters will be placed on the table?

A.—(*a*), (*b*), (*c*) & (*e*) The attention of the hon. Member is invited to the answer to question No. 455.

(*d*) No.

Mr. K. A. Nachiyappa Gounder:—" May I know, Sir, whether any conditions are imposed by the Government of India to set apart any contribution from the Provincial Funds also for this purpose? "

The Hon. the Raja of Bobbili:—" No, Sir."

Appropriation of the grant made by the Government of India for rural uplift.

* 615 *Q.*—Mr. P. V. Krishnayya Choudari: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether the Government have passed orders on the utilization of the grant by the Government of India for rural uplift; and

(*b*) whether they will be pleased to lay it on the Council table?

A.—The attention of the hon. Member is invited to answer to question No. 455.

Mr. P. V. Krishnayya Choudari:—" May I know, Sir, whether the orders will be placed on the table? "

The Hon. the Raja of Bobbili:—" Orders have been passed on various questions. In the answer it has been stated how much has been distributed. I will again read:—

Improvement of village communications ...	4·50 lakhs
Rural water-supply	5·5 lakhs
Village sanitation	3 lakhs
Anti-malarial measures	0·5 lakh
Discretionary grants to district officers ...	0·5 lakh

30th January 1936]

Out of the grant of 4·50 lakhs for the improvement of village communications, it is proposed to place 1·50 lakhs at the disposal of the Inspector of Municipal Councils and Local Boards for expenditure in non-union panchayat areas.''

Diwan Bahadur C. S. Ratnasabhapati Mudaliyar:—'' May I know whether there is any time-limit fixed in regard to expenditure?''

The Hon. the Raja of Bobbili:—'' No time-limit has been fixed. The grant will lapse just as other budget provisions. Government have instructed that they should be spent as early as possible.''

Expenditure, if any, on the needs of the Depressed Classes from the grant of the Government of India for rural development.

* 616 *Q.*—Mr. M. Devadasan: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) what the amount provided for by the Government of India for rural development in this Presidency is;

(*b*) how the amount is proposed to be spent by the Provincial Government; and

(*c*) how much of this amount is proposed to be reserved for the needs of Depressed Classes?

A.—The attention of the hon. Member is invited to answer to question No. 455.

Proposals for the appropriation of the grant of the Government of India for rural development.

* 617 *Q.*—Mr. A. B. Shetty: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) the amount which this Province will get out of the one crore of rupees which the Government of India have allotted for rural development;

(*b*) the purposes for which it will be spent; and

(*c*) the amount that will be allotted for village communications and water-supply in each district?

A.—The attention of the hon. Member is invited to the answer given to question No. 455.

Resolutions passed at the Elementary Teachers' First Conference, held at Erode on the 28th and 29th July 1935, regarding personal pay and medical leave.

* 618 *Q.*—Mr. K. A. Nachiyappa Gounder: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether representations have been received either by the Government or by the Director of Public Instruction by way of resolutions passed at the Erode Range Elementary Teachers' First

Conference held at Erode on the 28th and 29th of July 1935 in the matter of allowing personal pay, medical leave, etc., to such teachers employed under the local bodies and municipalities; and

(*b*) if so, what action has been taken on each of such resolutions?

A.—(*a*) No.

(*b*) Does not arise.

Landlords and Tenants

Principles governing the settlement of rents in estates.

* 619 *Q.*—Sriman M. G. PATNAIK Mahasayo: Will the Hon. the Member for Revenue be pleased to state—

(*a*) how far the principles on which settlement is made in ryotwari tracts are followed in settling rents in estates;

(*b*) whether any directions in general or specially for particular estates are issued by Government or the Board of Revenue to officers engaged in settling rents as to the principles to be followed in settling rents; and

(*c*) if so, whether such directions are published for the benefit of the public?

A.—(*a*) The attention of the hon. Member is invited to the provisions of sub-sections (2) to (4) of section 168 of the Madras Estates Land Act, 1908, which lay down the principles on which the settlement of rents in estates should be made.

(*b*) & (*c*) Executive rules of a general nature relating to both the preparation of a record of rights and settlement of rents under Chapter XI of the Madras Estates Land Act, 1908, were issued by Government in Revenue Department Notification No. 473, dated 26th November 1909, and published at pages 1291–97 of Part I of the *Fort St. George Gazette*, dated 30th November 1909.

Sriman M. G. PATNAIK Mahasayo:—"Will the Hon. the Revenue Member be pleased to state if Chapter XI is going to be amended in view of the Full Bench decision which pronounced that the settlement provisions of the Madras Estates Land Act are very unsatisfactory?"

The Hon. Sir CHARLES SOUTER:—"There is no such proposal before the Government at present."

Sriman M. G. PATNAIK Mahasayo:—"May I know if the Board of Revenue issues instructions or executive orders in respect of such matters?"

The Hon. Sir CHARLES SOUTER:—"I think the answer is in the answer to clauses (*b*) and (*c*). Executive rules of a general nature have been issued.

30th January 1936]

Land Revenue Administration

Appointment of ministerial servants disbanded from Survey and Settlement parties in preference to Madras Services Commission candidates.

* 620 *Q.*—Mr. U. C. Subrahmanya Bhatt: Will the Hon. the Member for Revenue be pleased to state—

(*a*) what the total number is of ministerial servants disbanded from the Settlement and Survey parties;

(*b*) what the principle adopted is in reappointing them and the basis on which they are distributed throughout the Presidency;

(*c*) on what grounds they are preferred and appointed when the Services Commission candidates are available; and

(*d*) when these persons were first appointed in Survey and Settlement departments, whether it was understood that these departments are not permanent and consequently they would have to go away on the termination of work in the particular district?

A.—(*a*) From the information available with the Government, it appears that 92 clerks in the Settlement parties and 37 clerks in the Survey department were discharged as a measure of retrenchment. The Government are unable to give the total number of clerks discharged as surplus to requirements.

(*b*) & (*c*) Qualified clerks discharged, owing to retrenchment, are eligible for appointment to the Madras Ministerial Service in any office and are entitled under rule 6 (3) of the Retrenchment and Re-employment Rules to preference over candidates selected by the Madras Services Commission. The Government suggested to the Board of Revenue that the men retrenched from the Settlement parties should be distributed fairly among the districts, and that undue concentration of one community in any district should be avoided. The Board distributed their names accordingly after taking into account the service of each individual and the language with which he was acquainted. The Board was also asked to make an equitable distribution of clerks retrenched from the Survey department and the Government presume that the distribution was made on the same lines.

Qualified clerks, discharged as surplus to requirements, may be appointed to the Madras Ministerial Service at the discretion of the appointing authorities. The appointing authorities are not required, according to the orders at present in force, to give any preference to such clerks over candidates selected by the Madras Services Commission.

(*d*) It has always been understood that temporary subordinates in the Settlement parties and in the Survey department are liable to be discharged when they become surplus to requirements. They do not necessarily become surplus to requirements on the termination of work in a particular district; nor does it follow that when they are discharged they should be debarred from reappointment in any other department or office.

G.O. No. 773, *Revenue, dated* 2*nd May* 1933, *regarding contribution by ryots for repairs and improvements to irrigation works.*

* 621 *Q.*—Mr. M. B. Rangaswami Reddi: Will the Hon. the Member for Revenue be pleased to state—

(*a*) whether the Government will be pleased to lay on the table of the House a copy of G.O. No. 773, Revenue, dated 2nd May 1933;

(*b*) whether the Government will be pleased to lay on the table a statement showing the amount demanded and collected in each district, after the passing of the above Government Order from the ayacut ryots as contribution for repairs or improvements to irrigation works up to date; and

(*c*) how many proposals were dropped because of inability on the part of the ryots to pay contribution—districtwar figures may be furnished?

A.—(*a*) An extract of paragraph III (iii) of the Government Order and of paragraph 73 of Mr. Leach's report referred to therein, is attached.[a]

(*b*) & (*c*) The Government have no information.

Mr. G. Rameswara Rao:—" Sir, in view of the exuberant sympathy expressed in favour of rural uplift and reconstruction, may I request the Hon. Member to acquaint himself with the state of affairs of the ryot and call for information with regard to (*b*) and (*c*) and give the benefit of the information to the Council also? "

The Hon. Sir Charles Souter:—" I think it will take far too much time and trouble."

Mr. K. Koti Reddi:—" May I know if the Government is prepared to consider the inadvisability of demanding any amount for a work which the Government ought to undertake themselves? "

The Hon. Sir Charles Souter:—" I think the hon. Member will find the answer in the report given in Appendix VI."

Mr. K. Koti Reddi:—" After having read that report I am putting this question. On the question of repair and construction of irrigation works the responsibility is on the Government. Instead of asking for a contribution will the Government do it themselves? "

The Hon. Sir Charles Souter:—" Mr. Leach's report will answer that question."

[a] Printed as Appendix VI on pages 228–229 infra.

30th January 1936]

Mr. G. RAMESWARA RAO:—"Will the Government acquaint itself with the condition of the ryot and do something for him?"

The Hon. Sir CHARLES SOUTER:—"I assure the hon. Member that Government do a great deal for the ryot."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I know why these unfortunate districts of North Arcot and Chingleput should suffer from this levy?"

The Hon. Sir CHARLES SOUTER:—"I believe it is a matter of long-standing practice in the districts."

Public Service

Employment of candidates selected by the Madras Services Commission for the Madras Ministerial Service in the mufassal.

* 622 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Member for Revenue be pleased to state—

(*a*) what the total number is of candidates hitherto selected by the Madras Services Commission for appointment in the Madras Ministerial Service in the various mufassal districts;

(*b*) what the number is for each district and for each year;

(*c*) of these, how many are employed in permanent and long-standing vacancies and how many years the Government expect to take to absorb the remaining; and

(*d*) whether the Government are aware that in districts like Malabar and South Kanara even candidates selected in 1931 and 1932 are still awaiting appointments?

A.—(*a*) & (*b*) A statement [a] is laid on the table.

(*c*) Of 2,327 candidates selected for posts of clerk and 261 selected for posts of typist, 607 and 52, respectively, became ineligible for appointment on account of age or failed to join appointments offered, etc., and 1,704 and 209 candidates have been appointed as clerks and typists, respectively. It will thus be seen that only 16 candidates selected for posts of clerk have yet to be appointed and all these men were selected in 1934. Government have no information as to how many candidates are employed in permanent and longstanding vacancies. It is of course likely that since their first appointment some of the candidates have been ousted for want of vacancies; it is not possible to say when they will be re-absorbed in the service.

(*d*) All the candidates selected for appointment in the Malabar and South Kanara districts have been appointed and placed on probation except one in the Malabar district selected in 1934. Thirty-seven candidates in Malabar and

[a] Printed as Appendix VII on pages 229-230 infra.

14 in South Kanara have since been discharged for want of vacancies and are awaiting re-appointment. The delay in the re-appointment of the candidates in Malabar is due to the fact that Government abolished 104 clerical posts in the Registration department in that district consequent on the introduction of the photostat system of copying documents and directed that the incumbents should be absorbed in other offices in the district. In Malabar and South Kanara many clerks in the Settlement department have been discharged after completion of the work for which they had been engaged and they have to be re-employed in vacancies arising in the respective districts.

Mr. U. C. Subrahmanya Bhatt:—"May I know, Sir, whether it is not possible to select a lesser number of candidates every year so as to only cover the actual demand in the course of the particular year?"

The Hon. Sir Charles Souter:—"I understand the Public Services Commission selects the number of candidates on receipt of a requisition from the Collectors as to their requirements during the year and I cannot say that any other system would be possible."

Mr. U. C. Subrahmanya Bhatt:—"Does not the very fact that 602 candidates have become age-barred, show that the number is far in excess of the requirements?"

The Hon. Sir Charles Souter:—"It does not follow at all. If the hon. Member will read the answer carefully he will find that a number of candidates became ineligible on account of age or other causes. Most of the other candidates were appointed."

Proportion of appointments reserved for the depressed classes according to the communal rotation Government Order.

* 623 Q.—Mr. M. Devadasan: Will the Hon. the Member for Revenue be pleased to state—

(a) what the ratio is of appointments reserved for the depressed classes in accordance with the Government Order prescribing communal rotation in the matter of appointments;

(b) whether such a ratio is based on the basis of the population of the depressed classes;

(c) whether any representation was received by the Government for the increase of appointments for the depressed classes; and

(d) if so, what was done thereupon?

A.—It is presumed that by the term "depressed classes" the hon. Member refers to "scheduled classes," who alone are now recognized as a separate unit for purposes of the communal rule.

30th January 1936]

(*a*) One out of every twelve appointments.

(*b*) No.

(*c*) & (*d*) No representation has been received by Government. But the Andhra Provincial Depressed Classes Federation, Ellore, which waited on His Excellency the Governor at Ellore on the 8th February 1935 requested *inter alia* that the proportion be raised to 3 out of 12. Government, however, decided that it is undesirable to reopen the question of the communal rule.

Cinchona

Supervision by the Deputy Director of Agriculture (Cinchona) of the Dodabetta and Naduvattam plantations and the Anamalais since 1933–34.

* 624 *Q.*—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Law Member be pleased to state—

(*a*) the number of superintendents for the Dodabetta and Naduvattam plantations and Anamalais employed by the Government;

(*b*) the number of visits made by the Deputy Director of Agriculture (Cinchona) to supervise the work of superintendents in each of the years from 1933–34; and

(*c*) the travelling allowance drawn by the officer during the last three years?

A.—(*a*) 2.

(*b*)	In 1933	8
	In 1934	9
	In 1935	11
		RS.
(*c*)	In 1933	1,274
	In 1934	1,810
	In 1935	574

Electricity

Tenders for the construction of high tension transmission line from Mettur-Singarappet to Vellore and from Mettur to Erode.

* 625 *Q.*—B. POCKER SAHIB Bahadur: Will the Hon. the Law Member be pleased to state—

(*a*) whether it is a fact that the Chief Engineer for Electricity has invited tenders for the construction of 66/110 K.V. high tension transmission line from Mettur-Singarappet to Vellore and from Mettur to Erode;

(*b*) the total estimated cost of this transmission line;

(*c*) whether the time of putting in tenders was first mentioned as 3rd January 1936 and later cut short to 3rd December 1935;

[30th January 1936

(*d*) why in a contract of this magnitude they considered it advisable to cut short the time allowed to tenders by one month; and

(*e*) whether it is a fact that 66 K.V. and higher voltage transmission system do not occur in any private or municipal licensee's transmission works but only in Government Hydro-Electric schemes?

A.—(*a*) Yes.

(*b*) The total estimated cost of the transmission lines is Rs. 26·84 lakhs.

(*c*) Yes.

(*d*) "3rd January 1936" was an error and the date was corrected to "3rd December 1935." The latter date allows the usual interval of time for tendering.

(*e*) Yes.

B. Pocker Sahib Bahadur :—"May I know, Sir, how this mistake occurred as regards the date with reference to the answer to clause (*d*)?"

The Hon. Sir K. V. Reddi Nayudu :—"It is not possible to say. To err is human."

B. Pocker Sahib Bahadur :—"But in view of the fact that a later date was given publicity, was it proper for the Government to stick to it rather than give the time allowed?"

The Hon. Sir K. V. Reddi Nayudu :—"The Chief Engineer probably thought, as stated in the answer, that time up to December would be quite sufficient."

B. Pocker Sahib Bahadur :—"In view of the fact that publicity was given to 3rd January, is it not fair that Government allowed that time?"

The Hon. Sir K. V. Reddi Nayudu :—"That would have been the case if the correction had taken some time. Probably it was corrected three or four days after the publication."

B. Pocker Sahib Bahadur :—"With reference to clauses (*c*) and (*d*) I would like to know whether that condition is imposed in order to keep out Indian concerns from tendering?"

The Hon. Sir K. V. Reddi Nayudu :—"Absolutely no such intention."

Diwan Bahadur C. S. Ratnasabhapati Mudaliyar :—"May I know whether the revised date was intimated to all companies to which the original notice was sent?"

The Hon. Sir K. V. Reddi Nayudu :—"I want notice. Every step was taken to see that all persons concerned were made aware of it."

30th January 1936]

Amount involved in the contracts given to Messrs. Callendars Cable and Construction Company, Limited, for transmission lines during the last five years.

* 626 *Q.*—B. Pocker Sahib Bahadur: Will the Hon. the Law Member be pleased to state—

(*a*) what contracts for transmission lines have been placed with Messrs. Callendars Cable and Construction Company, Limited, during the last five years by the Hydro-Electric department of the Madras Government;

(*b*) what the total value of all such contracts to Messrs. Callendars Cable and Construction Company, Limited, during these five years amounted to;

(*c*) what the total value of all transmission line contracts placed with Indian firms during the last five years amounts to;

(*d*) whether the Government are aware that clause 3 of the tender invitation specifically states that "No firm need tender who have not themselves constructed overhead tower transmission lines for voltages of 66 K.V. or over";

(*e*) whether there are any Indian firms in the Madras Presidency who have erected 66 K.V. tower transmission line;

(*f*) when were 11 and 22 K.V. transmission lines first erected in this Presidency; and

(*g*) whether Indian firms were entrusted with the erection of these lines, and if so, what their names are?

A.—(*a*) The following contracts for the construction of transmission lines were placed with Messrs. Callendars Cable and Construction Company, Limited, during the last five years:—

(1) Mettur-Erode-Salem, 22 K.V. lines (1930).

(2) Trichinopoly-Tanjore-Negapatam, 66 K.V. lines (1934).

(3) Tanjore-Papanasam, 33 K.V. lines (1934).

(*b*) The value of the above contracts let to Messrs. Callendars Cable and Construction Company amounted to Rs. 11·5 lakhs.

(*c*) The value of the transmission line contracts placed with Indian firms during the last five years amounted to Rs. 1·2 lakhs.

(*d*) Yes, but only in tenders for the construction of 66 K.V. lines or lines of higher voltage.

(*e*) No.

(*f*) So far as Government lines are concerned, the first 11 K.V. line was constructed in 1929 and the first 22 K.V. line in 1930–31.

(*g*) Yes. Messrs. P. Natesan & Co., Madras.

[30th January 1936

B. POCKER SAHIB Bahadur:—"With reference to clause (*d*) I would like to know what the real object is of the condition imposed?"

The Hon. Sir K. V. REDDI NAYUDU:—"Nothing, except that in a very technical, important and even dangerous matter only experienced men who have already done some work in the line can be expected to execute the work satisfactorily."

Mr. V. M. RAMASWAMI MUDALIYAR:—"Arising out of clause (*e*) may I ask whether the tender of Messrs. Callendars was the lowest and for that reason they got the contract?"

The Hon. Sir K. V. REDDI NAYUDU:—"I am not aware of it. But I shall enquire. But I may tell the hon. Member that though the lowest tender is generally accepted, efficiency plays a more important part."

B. POCKER SAHIB Bahadur:—"With reference to clauses (*d*) and (*e*) I find great disparity between the values of the contract between Messrs. Callendars and the Indian Company. May I know how Government accounts for the great disparity?"

The Hon. Sir K. V. REDDI NAYUDU:—"66 K.W. are of a higher capacity and naturally they cost more. Those that cost more must certainly be higher than those that cost less."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"How many firms are there who have experience in laying 66 K.V. lines—Only one or more than one?"

The Hon. Sir K. V. REDDI NAYUDU:—"In what country?"

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"In Madras Presidency?"

The Hon. Sir K. V. REDDI NAYUDU:—"I am not aware of many companies, Sir."

Electric pumps and their capacity.

* 627 *Q.*—Mrs. A. RUKMANI LAKSHMIPATHI:—"With reference to the answer to question No. 510 answered on the 8th November 1935, will the Hon. the Law Member be pleased to call for and lay on the table a list showing the amount of energy used for agricultural pumping, the number of pumps installed and the steps taken by the private licensees in the province in the matter of electrical pumping for agriculture?

A.—The Chief Engineer for Electricity has been asked to obtain the information required. This will take some time as reports have to be called for from all licensees.

Representations for the reservation of the Palar basin for the development of electricity by the Government.

* 628 *Q.*—Mrs. A. RUKMANI LAKSHMIPATHI: Will the Hon. the Law Member be pleased to state—

(*a*) whether he has received any representation from the Members of the Legislative Council representing North Arcot to reserve

30th January 1936]

the Palar basin to be developed by the Government in regard to electrical pumping for agriculture;

(b) whether a report has been called for from the Chief Engineer for Electricity on the same; and

(c) whether applications from private licensees in the above area have been refused?

A.—(a) A representation from Mr. M. B. Rangaswami Reddi, M.L.C., has been received by Government stating that Government themselves should supply electric energy to towns and villages in the *North Arcot district.*

(b) The Chief Engineer has been consulted.

(c) An application for a licence for a certain area including the Walajapet taluk, which lies in the Palar Basin, is under the consideration of Government.

Mrs. A. RUKMANI LAKSHMIPATHI:—" May I know from the Hon. 11-
the Law Member whether besides the representation received from a.
Mr. M. B. Rangaswami Reddi any representation was received from any other Members of this House and if so, what action has been taken thereon? "

The Hon. Sir K. V. REDDI NAYUDU:—" I am not aware of any other hon. Member mentioning it to me, and there is nothing on record showing that any other Member of this House has made a representation."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask whether the Hon. the Law Member is aware that the District Board of North Arcot and various municipalities of the district have passed resolutions urging upon the Government the desirability of reserving the right of private distribution to themselves, without giving the right to private licensees? "

The Hon. Sir K. V. REDDI NAYUDU:—My attention has not been drawn to any resolutions that might have been passed by the district board and municipalities. I thought the question referred to the representations made by the Members of this House. That is how I understand the question."

Mr. U. C. SUBRAHMANYA BHATT:—" With reference to the answer to clause (b), may I ask whether the Hon. the Law Member will be pleased to lay on the table the opinion of the Chief Engineer? "

The Hon. Sir K. V. REDDI NAYUDU:—" I do not think any useful purpose will be served by that. The report is meant for the information of the Government."

Reservation to the Government of the right in the Palar basin to develop and distribute electricity to rural areas.

* 629 Q.—Mrs. A. RUKMANI LAKSHMIPATHI: Will the Hon. the Law Member be pleased to state whether the Government propose to reserve the right to distribute rural load to themselves in the Palar basin

to ensure supply to agriculturists even in areas where licences have already been granted or are proposed to be granted on the lines of the reservation now adopted in respect of bulk supply to industrialists, railways, etc.?

A.—There is no such proposal under the consideration of Government. The Government are not however precluded from undertaking supply direct to any agriculturist in a licensee's area if necessity for doing so arises. It depends upon the circumstances of each case, such as, the inability or unwillingness of the licensee to give the supply, the extent of the load, the capital to be spent in connecting up the load and the revenue expected.

Mrs. A. RUKMANI LAKSHMIPATHI:—"May I know whether the Government will consider the desirability of undertaking the distribution themselves taking into consideration the fact that private licensees have not taken the initiative to canvass agricultural load?"

The Hon. Sir K. V. REDDI NAYUDU:—"That matter will be considered."

Mr. V. M. RAMASWAMI MUDALIYAR:—"Arising out of the answer given, viz., that 'the Government are not, however, precluded from undertaking supply direct to any agriculturist in a licensee's area if necessity for doing so arises,' may I ask under what conditions Government will come in and undertake the supply direct?"

The Hon. Sir K. V. REDDI NAYUDU:—"I think the answer given suggests the conditions. The matter 'depends upon the circumstances of each case, such as, the inability or unwillingness of the licensee to give the supply, the extent of the load, the capital to be spent in connecting up the load and the revenue expected'."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask whether the delays on the part of the private licensees to exploit properly agricultural load in rural areas will be included as one of the reasons for the Government interfering and giving help?"

The Hon. Sir K. V. REDDI NAYUDU:—"That would be considered, Sir."

Progress of private licensees for electricity in North Arcot district in regard to agricultural pumping.

* 630 *Q.*—Mrs. A. RUKMANI LAKSHMIPATHI: Will the Hon. the Law Member be pleased to state—

(*a*) the taluks of the North Arcot district for which applications have been received for licences to distribute electric power;

(*b*) which of those are agricultural and which industrial;

(*c*) the names of the applicants for licences and the area for which each has applied;

(*d*) whether such applicants hold licences already for other areas; and

30th January 1936]

(e) what progress each has made and in what period in regard to agricultural pumping in the areas for which licences were already granted?

A.—(a) Walajapet, Polur and Tiruvannamalai taluks and Arni jaghir.

(b) All of them are agricultural but in Walajapet taluk there are some industries such as tanning.

(c) Messrs. Ameen Ram & Das & Co., for Tiruvannamalai and Polur taluks and Arni jaghir, and the Vellore Electric Corporation for the same area with Walajapet taluk in addition.

(d) Yes. One of them, the Vellore Electric Corporation, holds a licence for an area of about six miles radius around Vellore. Two other companies, some of whose managing directors are also managing directors of the two companies referred to in the answer to clause (c), have been granted licences for portions of Gudiyattam and Tiruppattur taluks.

(e) The Vellore Electric Corporation has developed an agricultural pumping load of about 30 h.p. in four years.

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether the Government is satisfied that there is a chance of agricultural development if this matter is left to private licensees?"

The Hon. Sir K. V. REDDI NAYUDU:—"It is a matter of opinion, Sir."

Development of electricity in rural areas by private licensees.

* 631 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Law Member be pleased to state—

(a) whether any private body or person who has applied so far for electric licence for urban and rural areas in this Presidency has included in the compulsory area of his licence anything more than the laying of distribution lines for street and domestic lighting in towns and, if so, who they are; and

(b) whether any licensee who had been granted licence so far, had extended his distribution activities for supply to rural areas for agricultural pumping and agricultural developments; if not, what the reasons are for not doing so?

A.—(a) No.

(b) Messrs. The South Arcot Electricity Distribution Company, Limited, and Messrs. The East Tanjore Electric Supply Corporation are the only two licensees who have extended their distribution to a limited extent for agricultural purposes. Other licensees have presumably not taken the initiative to canvass an agricultural load or have not regarded it as sufficiently profitable.

[30th January 1936

Mr. U. C. Subrahmanya Bhatt:—"With reference to the answer to clause (*a*), will the Government be pleased to call for a definite programme of works outside the compulsory area to enforce the carrying out of development work?"

The Hon. Sir K. V. Reddi Nayudu:—"That is rather a large order. But the question will be considered."

Mr. V. M. Ramaswami Mudaliyar:—"May I ask whether the Hon. the Law Member will call for information from the private licensees who have got licences for the various areas as to the number of wells to which they have been able to give electric energy or instal electric pumps and made them useful to agriculturists?"

The Hon. Sir K. V. Reddi Nayudu:—"The Chief Engineer has been investigating these matters, and I do not know how far we can give this trouble to private licensees."

Diwan Bahadur C. S. Ratnasabhapati Mudaliyar:—"May I know whether Government have taken power to force licensees to extend the lines beyond the compulsory area?"

The Hon. Sir K. V. Reddi Nayudu:—"I do not think there is any such clause in the licence."

Estimate in regard to the industrial and the urban load in the Mettur Hydro-Electric area.

* 632 *Q.*—Mr. U. C. Subrahmanya Bhatt: Will the Hon. the Law Member be pleased to state—

(*a*) the estimated possibility of the industrial load in the Mettur Hydro-Electric area;

(*b*) the estimated urban load in the above area;

(*c*) whether the Government have examined the question whether the above two loads by themselves, without the development of the rural load, will make the scheme a profitable undertaking; and

(*d*) whether the Government have consulted any expert on this point and if so, what his opinion is?

A.—(*a*) & (*b*) The Chief Engineer for Electricity states that it is not possible to give exact figures separately for the industrial load and urban load but he has furnished the following information, based upon the third year of operation as given in the Project Report, on the assumption that rural distribution in North Arcot will be undertaken by the Government:—

(i)	Licensed urban areas lighting, small power and limited agricultural load.	4,870 K.W.
(ii)	Industrial, including railway ...	5,800 H.P.
(iii)	Agricultural pumping	750 H.P.
(iv)	Lighting and small power in villages.	650 K.W.

30th January 1936]

(c) No. The productivity of the undertaking was examined with reference to the combined load, industrial, urban and rural.

(d) Does not arise.

Mr. U. C. SUBRAHMANYA BHATT :—"May I know whether the amount of energy indicated with reference to agricultural pumping included in the 4,870 K.W., is based upon any programme submitted by the licensees within the three years of operation?"

The Hon. Sir K. V. REDDI NAYUDU :—"I am not aware of any programme, Sir."

Mr. M. A. MANIKKAVELU NAYAKAR :—"Will the Government be pleased to state with reference to the answer to sub-clause (a) what the actual estimate is of the agricultural load expected out of 4,870 K.W.?"

The Hon. Sir K. V. REDDI NAYUDU :—"I shall be glad to give the information to the hon. Member on getting it."

Local demand for electric energy in the Mettur Hydro-Electric area.

* 633 *Q.*—Mr. V. M. RAMASWAMI MUDALIYAR : Will the Hon. the Law Member be pleased to state—

(a) whether the Government have ascertained the demand for electric energy in the Mettur Hydro-Electric area;

(b) whether local bodies in that area were consulted before they determined their programme of works in that area; and

(c) whether any and, if so, which of the local bodies have not agreed to take power?

A.—(a) Yes. The Chief Engineer for Electricity prepared an estimate of the demand for power in the area after making a thorough investigation. The attention of the hon. Member is invited to chapter 4 of the report on the Mettur Hydro-Electric Scheme—extracts of which were laid on the table of the House on 22nd March 1935.

(b) No.

(c) Does not arise.

Mr. U. C. SUBRAHMANYA BHATT :—"With reference to the answer to clause (a), may I know whether the Government do not think that they can sell more power within the first year if advance propaganda has been made in respect of local bodies in the Mettur hydro-electric area?"

The Hon. Sir K. V. REDDI NAYUDU :—"I do not quite follow the hon. Member's question."

Mr. U. C. SUBRAHMANYA BHATT :—"What I suggest is that if advance propaganda is made in the Mettur area, the demand for energy will be more than what is estimated in the answer?"

[30th January 1936

The Hon. Sir K. V. Reddi Nayudu:—"Everything possible is done, because it is in the interests of the Government to sell energy."

Rescission of the order to disafforest a belt of the Kudiraimoli forest, Tinnevelly district.

Forests

* 634 *Q.*—Mrs. A. Rukmani Lakshmipathi: Will the Hon. the Law Member be pleased to state with reference to the Kudiraimoli forest reserve in Trichendur taluk in the Tinnevelly district—

(*a*) whether it is a fact that as a result of numerous memorials from the inhabitants of adjoining villages and interpellations in the Legislative Council, the Government passed an order in 1924–25 to disafforest a belt of half a mile all round the reserve for assignment to the neighbouring inhabitants;

(*b*) whether this order has been carried into effect and what action, if any, has been taken on the same;

(*c*) whether the order was passed after a full and elaborate discussion by the expert officers of the Government;

(*d*) whether the order has been subsequently cancelled and if so, when and whether any notice was given to the neighbouring inhabitants before the cancellation; and

(*e*) whether the Government will be pleased to place on the table of the House the order subsequent to 1925 either cancelling or modifying the prior order to disafforest a belt of half a mile?

A.—(*a*) No orders were passed that a belt of half a mile all round the reserve should be disafforested for assignment to the neighbouring inhabitants. An area of 1,952 acres in the reserve was however disreserved in 1924 in order to set back the reserve boundary which lay close to the villages of Kudiraimoli, Semmarikulam, Yeluvaraimukki and Nazareth.

(*b*) *to* (*d*) The lands could not be assigned as they had not been surveyed. The survey was completed in December 1930. In the meantime the local officers represented that the disafforested areas were not taken proper care of and that there had been reckless cutting of trees and consequent loss to Government. It was urged that the area should be reconstituted into a reserve forest. The Government, after careful consideration of the matter and in consultation with the Chief Conservator of Forests and the Board of Revenue and after giving due notice to the villages concerned, directed that an area of 350 acres should be set apart for the common use of the villagers and that the remaining area should be again reserved. In view, however, of the difficulties of the villagers in

30th January 1936]

obtaining grazing for their cattle the Government ordered that as an experiment the area may be thrown open for grazing for two to two months and a half during the monsoon season. Orders have since been issued declaring 1,474·24 acres of the vacant area as a reserve forest.

(e) A copy of the G.O. No. 266, Development, dated 19th February 1935, is placed on the table. [a]

Representations for permits to graze goats in the Reserved and Panchayat Forests in Salem.

* 635 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Law Member be pleased to state—

(*a*) whether representations have been received by the Government from the Salem district for allowing goats, at least to a certain extent, in reserved forests as well as panchayat forests for grazing purposes;

(*b*) what action has been taken on them;

(*c*) what remarks did the Chief Conservator of Forests make on this question; and

(*d*) whether a copy of them will be placed on the table?

A.—(*a*) Yes.

(*b*) A report has been called for from the Chief Conservator of Forests.

(*c*) The Chief Conservator's remarks have not yet been received.

(*d*) Does not arise.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I ask, Sir, whether the Hon. the Law Member is aware that there are a number of panchayat forests where there are no growths of any valuable trees at all and yet there is the restriction in allowing goats to graze in those areas?"

The Hon. Sir K. V. REDDI NAYUDU:—"The goat is a very mischievous little animal, Sir."

Mr. K. A. NACHIYAPPA GOUNDER:—"When there are no valuable trees in the area, what is the mischief to be caused by goats in those areas?"

The Hon. Sir K. V. REDDI NAYUDU:—"It destroys any growing tree."

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"May I know why there is such a long delay on the part of the Chief Conservator of Forests in forwarding his remarks on this question?"

The Hon. Sir K. V. REDDI NAYUDU:—"Rush of work perhaps, Sir."

[a] Printed as Appendix VIII on page 230 infra.

Diwan Bahadur M. Gopalaswami Mudaliyar:—" In view of the fact that there are loud complaints that these panchayat forests are not allowed to be used by the villagers, may I request the Hon. the Law Member to issue orders immediately? "

The Hon. Sir K. V. Reddi Nayudu:—" I do not think I shall at once answer that question."

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

II.—ACTS ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR.

* The Hon. the President:—" I have to announce that the undermentioned Acts received the assent of His Excellency the Governor on the dates mentioned against each:—

(1) The Madras Estates Land (Amendment) Act, 1935	26th November 1935.
(2) The Madras Irrigation Cess and Land Encroachment (Amendment) Act ...	6th December 1935
(3) The Indian Registration (Madras Amendment) Act, 1935	6th December 1935.
(4) The Madras Co-operative Societies (Amendment) Act, 1935	7th December 1935.

III.—AMENDMENTS TO STANDING ORDERS.

* The Hon. the President:—" The first item in the agenda is a motion by the Hon. the Leader of the House to amend Standing Orders Nos. 28, 30 and 55. Under Standing Order No. 77, I have now to read the draft amendments and ask whether the Hon. Member has the leave of the House. The amendments have been circulated to the Hon. Members of this House and are also printed in the agenda. They are as follows:—

Standing Order No. 28.

'(1) *For* clause (1) of Standing Order No. 28, *substitute* the following clause, namely:—

" (1) A matter requiring the decision of the Council is brought forward by means of a question put by the President on a motion proposed by one member and seconded by another; and a motion which is not seconded shall not be discussed nor shall any question be put on it:

Provided that a motion need not be seconded in the following cases, namely:—

(*a*) if the motion is one which is moved by a member of the Government, or

30th January 1936] [The President]

(b) if the motion is one for the reduction of any grant, whether a budget grant or a further or a supplementary grant, or for the omission or reduction of any item in any such grant."

Standing Order No. 30.

(2) *For* clause (1) of Standing Order No. 30, *substitute* the following clause, namely:—

"(1) After the mover and seconder have spoken, other members may speak to the motion in the order in which they are called by the President:

Provided that if the motion is one which need not be seconded or if the seconder has reserved his speech, members other than the mover may speak to the motion in the order in which they are called by the President, after the mover has spoken or after the motion has been seconded, as the case may be."

Standing Order No. 55.

'(3) *In Standing Order No.* 55, omit *clause* (4).'

I wish to know whether the Hon. Member has the leave of the House. (After a pause.) Since no Member objects, I take it that the Hon. Member has the leave of this House. The draft amendments are now to be referred to a Select Committee. Six members of the Select Committee have to be elected by the Council by means of the single transferable vote in accordance with the regulations framed in this behalf. Other Members are the President, the Deputy President, the Advocate-General, The Hon. the Law Member who has given notice of the amendments and one of the members of the panel of Chairmen to be nominated by me. I fix 2-30 p.m. to-day, as the latest hour within which nominations may be handed over to the Secretary.

"If the number of candidates nominated exceeds the number of vacancies to be filled, viz., six, there will be an election between 12 noon and 2 p.m. to-morrow (31st January 1936)."

IV.—DEMANDS FOR EXCESS GRANTS FOR 1933–34.[a]

* The Hon. Mr. G. T. H. BRACKEN:—"Mr. President, Sir, I beg to move—

'(a) *That an additional sum not exceeding Rs.* 2,037 *be granted "under "Grant X—Secretariat and Headquarters Establishments—Reserved" to make good the excess expenditure incurred in the year* 1933–34.

(b) *That an additional sum not exceeding Rs.* 1,17,869 *be granted under "Grant XXXIII—Pensions—Reserved" to make good the excess expenditure incurred in the year* 1933–34.'

a Explanatory Note printed as Appendix IX on pages 231–232 infra.

[Mr. G. T. H. Bracken] [30th January 1936

I do not think there is much to be said on these grants. The first is a very small sum representing ·009 of the total allotment. When we insist on close budgeting, it is inevitable that occasionally there have to be excess grants which have to be brought forward before this Council.

"As regards the second item, the amount is a large one, and in this case, it is quite impossible to estimate accurately how many people will retire who will draw their pensions. It is a fluctuating item, and it is inevitable that sometimes the number of commutations exceed expectations."

* Mr. K. A. NACHIYAPPA GOUNDER :—" Sir, I beg to move—

'*that the sum of Rs. 2,037 under " Grant X—Secretariat and Headquarters Establishments—Reserved " be reduced by Rs. 100.*'

My object in moving this cut motion is not to say that the expenditure has much increased or that the allotment has not been carefully made, but simply to point out the desirability of effecting economy on transfers. This excess grant is moved mostly for expenditure incurred on pay and allowances. Though there was a great deal of amount available in the original allotments, all these have been mostly consumed by transfers and beyond that an excess amount is sought for now. You will remember, Sir, during the course of the year 1935 there was a supplementary demand moved to meet expenditure on transfers. That too has not been sufficient to meet the expenditure, and an excess grant has to be asked for now. At the time the supplementary demand was moved, I drew the attention of the Government in regard to the number of transfers in the Revenue Department, especially transfers of Deputy Collectors. At that time, I was glad to learn from the Hon. the Revenue Member that transfers would be looked into carefully and avoided as much as possible.

11-45 a.m. "But, I am surprised, Sir, that these transfers are being so often made, and that is the reason for excess grants coming up before the House. For instance, I may tell the Hon. House that my division has been very unfortunate in this respect. That was why I was put to the necessity of making a complaint last time at the time of the supplementary grant and again this time now since I have an opportunity. Apart from the frequent shiftings previously made, quite recently a Deputy Collector of our area has been transferred and another gentleman has been posted. But in a month's time this gentleman too has been transferred to South Kanara and some other gentleman is posted in his place, and I have a doubt as to how long even this gentleman will be kept in this area. This sort of transfers besides involving additional expenditure to Government is also detrimental to the areas concerned since the officers who are posted in such quick successions may not be able to understand the needs and conditions of

30th January 1936] [Mr. K. A. Nachiyappa Gounder]

the locality and be useful to it. Government have fixed three years as the time-limit for allowing officers to remain in one station and though it may not be possible to retain them for the full period of three years at least they may be kept on in one station for some considerable time to study the locality and be useful to it. This will also save some money to Government as I said already and the localities concerned may also be benefited if the same officers are kept on at least for a year or two."

* The Hon. Sir Charles Souter :—" Mr. President, Sir, I fully admit the force of my hon. Friend's remarks, and no one dislikes these transfers more than I do. The fact is that in many circumstances we cannot avoid these transfers. For instance, a Deputy Collector falls ill anywhere, his place has to be filled. Again it happens that in certain cases a Deputy Collector who has got to be transferred to a particular district does not know the language of the district. He is next on the list; but we have to choose a man who knows the language of the district in which he is going to serve. I had several cases like that, and I have had very unfortunately to disturb the existing arrangements in other districts. Also I must point out to this hon. House that we are handicapped in many ways by the fact that when once a man has acted as Deputy Collector he is considered on probation, and his seniority among Deputy Collectors depends on the time when his probation began. If therefore, we do not appoint a probationary Deputy Collector, one who has reverted, in his turn again as Deputy Collector he may lose the chance of future promotion or it may be that one of his juniors will go over his head. It is therefore necessary to appoint those Deputy Collectors whom my hon. Friend particularly referred to in rotation of their seniority. This, of course, very often does disturb the arrangement made in the district. But we have to see that the Deputy Collector does not lose his place in the list. Such transfers have to be more common than at any rate I myself think desirable. I may assure my hon. Friend that I am as fully alive as he is to the necessity of keeping officers in districts as long as possible; I myself think that frequent transfers are very inadvisable and my endeavour has always been to avoid them as much as possible. In these transfers it is not one district which is concerned, but two or three. With the assurance that I will endeavour to the utmost of my ability to avoid such transfers I hope the hon. Member will not press his cut motion."

* Mr. K. A. Nachiyappa Gounder :—" I have no objection to withdraw my motion after having heard the Hon. the Revenue Member. I hope he will straigtway find some means to remedy this state of things and let not the ' probation ' question stand in the way of giving effect to his assurance. With these words, I beg leave to withdraw my motion."

The cut motion was, by leave, withdrawn.

The excess demands was put and carried and the grants made.

V.—DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1935-36

(1) GRANT XI—MINISTERS, CIVIL SECRETARIATS AND MISCELLANEOUS—TRANSFERRED

* The Hon. the RAJA OF BOBBILI:—"Sir, on the recommendation of His Excellency the Governor, I beg to move that the Government be granted a further sum not exceeding Rs. 1,200 under 'Grant XI—Ministers, Civil Secretariats and Miscellaneous—Transferred.'

"The purpose of this demand has been clearly explained in the explanatory note[a] attached. The question of bringing the Muslim endowments under proper control by legislation has been engaging public attention, and on two occasions, notice of non-official Bills has been given in this House. Government have carefully examined this question, and from the information available they have come to the conclusion that on financial grounds an independent statutory body for controlling the Muslim properties alone will not be self-supporting; and on this account they had been constrained last time to oppose the motion for reference of these Bills to a Select Committee. Subsequently, Government have collected the information available in the district offices as to the number of these inams and other trust funds, although from the data that have been collected it is not possible to ascertain which of these inams have been given for religious purposes and which have been given a personal inams. It was afterwards considered that at this rate there would be no finality in the matter, and it is desirable to have the entire question examined. From the materials so far available to Government, it is clear that on the ground of finance it is not possible to set up an independent board in order to meet the wishes of the members of the Muslim community. The only practical solution appears to be to extend the scope of the Hindu Religious Endowments Act so as to include Muslim endowments also. With this purpose in view, Government have decided to appoint a committee to examine this question and to draw up a practical scheme for giving effect to the proposals contained in the various Bills that have come up before this House from time to time.

"As this is deemed to be a new service and as it was not possible to make provision for this in the Budget of 1935–36, I have to come up before this House for sanction to incur this expenditure. I hope and trust, with the information I have given, the House will vote in favour of this motion."

* Mr. M. A. MANIKKAVELU NAYAKAR:—"Sir, I beg to move—

'*To reduce the allotment of Rs.* 1,200 *under "Grant XI—Ministers, Civil Secretariats and Miscellaneous—Transferred" by Rs.* 100 (*to elicit further information*).'

It has been said that the Government contemplate having only one board in order to have control over the Muslim endowments also and on financial grounds a separate board to control the Muslim endowments is not possible. It would be useful if the Hon. the Minister

[a] Printed as Appendix X on pages 233–234 infra.

30th January 1936] [Mr. M. A. Manikkavelu Nayakar]

enlightens the House as to the financial position of the Hindu Religious Endowments Board, as regards the annual income that it derives and the actual expenditure that is being incurred; and also the House would like to know as to what portion of the loans that the Endowments Board had borrowed from Government had been paid off and what the balance remaining to be paid is. I should also like to know whether the idea is to have one or two Muslim members upon the board to have control over the Muslim endowments separately, or whether it is the idea that all endowments irrespective of Hindu or Muslim will be controlled both by the Hindus and the Muslims.

"Then, Sir, I should like to know whether the Government have any proposal to provincialize the Hindu Religious Endowments Board in the near future. Hon. Members will be aware that on more than one occasion, resolutions were brought forward before this Council, though they were not actually discussed, as to the desirability of provincializing the Hindu Religious Endowments Board.

"Then, Sir, as regards the personnel of the committee I am surprised that it does not include at least one of the ex-presidents of the Endowments Board. No doubt the present President of the board is on the committee, but he has been in office only for a short time. It is less than a year since he was appointed as President. That being the case, one would expect the committee to consist of one of the ex-presidents. I hope the Hon. Minister will consider that aspect of the question also." 12 noon.

* Mr. K. A. Nachiyappa Gounder:—"Sir, supporting the motion which has been so ably moved by my hon. Friend, Mr. Manikkavelu Nayakar, I would like to know whether it is desirable to constitute a single committee of the kind proposed to look after both these endowments. We find that the endowments Board has not only to look after the endowments that have been set apart for the various temples but has also something to do with the general supervision including the rituals and other things performed in the temples. It is plain, Sir, that the difference between these two religions, Muhammadan and Hindu, is great. When it is so, we have to consider whether it is advisable to constitute one and the same body to look after these two religious endowments and institutions. This aspect of the question needs careful consideration before any decision is taken. The hon. Mover pertinently asked whether it is the intention of the Government to constitute a committee to go into both these endowments or whether it is their intention that the Hindu section of the committee should look after the Hindu endowments and the Muhammadan section should look after the Muhammadan endowments. Sir, if a single committee is constituted at least such a separation would be necessary in the interests of the better administration of both the endowments. So I would urge on the Government to give their best consideration to this matter.

"Then with regard to the personnel of the committee, we find that a number of non-officials and some officials have been appointed. Out of these, four gentlemen are, I believe, to look into the Muhammadan,

[Mr. K. A. Nachiyappa Gounder] [30th January 1936

side of the question. But, to look into the Hindu side of the question, I find that sufficient representation has not been given. There are only two non-officials, Mr. A. Ranganatha Mudaliyar and Mr. Narayana Rao Nayudu. Even of these two, one is a retired official. Of the rest, one is an official of the Endowments Board and the other a Secretary to Government. I think this is inadequate representation for the Hindu community. It is necessary that for the careful consideration of this very important question of religion and religious endowments, there must be fair representation given to the communities.

"Then Sir, I am unable to know on what principle this committee has been formed and on what basis nominations to the committee have been made. I would like to ask whether it is not desirable to include some prominent religionists from both the communities so that this question may be dealt with in the light of their opinions. On all these points I would like to have information from the Hon. Minister."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Mr. President, Sir, if I intervene in this matter it is only to impress upon the Hon. the Chief Minister the difficulties that face us in considering a matter of this kind and to see that all possible aspects of the matter are considered. Sir, I find from the short note circulated to us that the idea to combine the Muhammadan endowments with the Hindu Religious Endowments under this Board is more or less settled and that only the arrangements remain to be considered. That is the idea one gets from the note. I hope it is not so.

"Sir, with reference to religious matters the feelings in the country are strong and we have had complaints that the Endowments Board is interfering in religious matters. The fact that we are carefully watching this feeling is clear from the paragraph in the report of the Endowments Board published every year showing the extent to which the people have come to reconcile themselves to the existence of this Board and its administration of the endowments. That being the case, if we bring the Muhammadan endowments also under this Board, we will have to bestow serious consideration to the matter and that in consultation with the Hindu community which is the community really affected. Sir, we people here have a different view of things from the more religious members of our community. We care more for the convenience of administration than for the implications of such administration. So, I would urge the Hon. Minister to state in the order of reference that the Government have not made up its mind in regard to this matter and that all possible ways of meeting the wishes of the people will be considered. It is very necessary that before the Government commits itself to a definite policy, all the aspects of the question should be examined. In that view, I would ask, Sir, that the orthodox section of the community should be taken into confidence before a final decision is taken on this matter. As I said already, I am not orthodox and do not care who administers the endowments so long as they are properly administered. But that is not the view of most people outside. So I say that the orthodox school also must find some place on the committee. Going through the list of members I find that they are

30th January 1936] [Mr. T. A. Ramalingam Chettiyar]

mostly in the position in which I am. I would suggest to the Hon. Minister to put in one or two orthodox people also on the committee. I am making this suggestion in view of the fact that in religious matters feelings are strong and since we are making a very great change—combining both the endowments in one institution—we have to be very careful indeed. So any proposal that is made has to be made in such a way that there will be no interference either in the administration or participation in the benefits that may accrue from them by the concerned community for whose benefit the endowments are intended. Unless we so manage things that a member of one community will have nothing to do with the endowments of another community, there will be very great objection in the country and, whatever others may feel, there will be a legitimate grievance in the matter. I do not think this House would be a party to any proposal which will make the endowments of one community controllable by the members of another community. I hope the Hon. Minister will bear these in mind, when he draws up the terms of reference for this proposed committee. I would also advise him if I may that he might add one or two orthodox members to the committee."

Sriman M. G. PATNAIK Mahasayo:—" Mr. President, Sir, I am really surprised that there has been objection to the consolidation of the Act so as to provide for control over Muslim endowments also. Sir, for more than a century at least we have had non-Hindus administering, in certain circumstances, Hindu religious endowments and Hindus administering Muslim and Christian religious endowments. I therefore really do not see why there should be any objection to that at all. Before this Act came into force, we had Act XX of 1863. I ask who were the people that were administering the religious endowments? They were Europeans. Then, under section 92 of the Civil Procedure Code, the district judges were administering them. They were also non-Hindus. Now why should there be any objection to the enlargement of the scope of the Act so as to provide for the administration of Muslim endowments also? The Endowments Act, we know, provides only for control over secular matters. If really objection is to be taken to any of the commissioners going into religious matters, the cause for it exists even now. The Commissioners of the Endowments Board also are unfit to deal with religious rites because most of them are non-Brahmans. Therefore, strictly speaking, it is objectionable that these people should have anything to do with the administration and the rituals and all those things. They are not interfering with the rituals. Even Muslims have been administering our religious endowments and Hindus and Christians have been administering Muslim endowments also. Therefore, so far as control over secular matters is concerned, I do not see that there is any objection at all. If any control is going to be assumed over rituals, naturally, there will be very strong opposition from the orthodox section, both Muslim and Hindu. From the standpoint of the orthodox Hindus, I do not think they will make any distinction between a Hindu Non-Brahman and a Christian, or a Muslim. They would have objection to all alike in regard to the

[Sriman M. G. Patnaik Mahasayo] [30th January 1936

control over rituals. Therefore, so far as that is concerned, there cannot be any objection at all. I am really surprised that my hon. Friend Mr. Ramalingam Chettiyar also has joined in the opposition. He himself exercises some control over the Tirupati temple and I do not think he will have any place there if his objection to the present idea is valid. The administration there is carried on mostly by non-Brahmans and I do not think he has a right to go into the rituals as a non-Brahman. Therefore the objection to Mr. A. Ranganatha Mudaliyar is quite wrong. (Interruption.) You know he is a Theosophist (Laughter.) (Diwan Bahadur T. A. Ramalingam Chettiyar: 'I never said that.') I know that you did not say so. You think in your heart of hearts that he is a Theosophist and so should not be there.

12-15 p.m. "Whatever that may be, there ought not to be any objection from these people for the Government providing secular control over these institutions. I should like that some Christian gentlemen also should join this committee. If such Christian gentlemen think that they would be encouraging idolatry, they ought not to join the committee. But if they are broadminded, they ought to join it."

* Mr. T. C. Srinivasa Ayyangar:—"I should thank the hon. Member from Ganjam for giving us the very valuable, sound and cosmopolitan advice just on the eve of his retirement from this Council. He said about so many matters pertaining to the south. There are very many temples in the south and if there is one part which is studded with temples, big and small, in which various festivals and ceremonial rites and observance take place, it is I believe in the south of South India and I would very much like my hon. Friend, if he were to continue as a Member of this Council, to visit the south and look around matters for himself and consider whether he was right in giving us this unwarranted, unorthodox and impractical advice, perhaps, in the belief that the Hindu Religious Endowments Board exercises control only over secular matters. It exercises control not only on secular matters but has also to deal with ceremonial matters by giving directions, settling schemes, etc. I believe one member of the Board had to go into a question whether a particular idol can be installed regard being had to the rituals of the temple and all things connected with it. Of course we all know that the District Collectors were controlling some of these institutions. But under the law they were bound to do it. But certainly my hon. Friend from Ganjam cannot say that that system was the ideal. It was given up and cannot be revived. True there have been large minded gentlemen both among Christians and Muhammadans who have administered the secular affairs of the religious institutions of other denominations. I hope my hon. Friend sitting there, Mr. Scott Brown, will corroborate me when I say that an ancient Collector of Madura, Mr. Rouse Peter, is even now considered as a Hindu under Christian garb. There is a legend that on one evening at about 8 p.m. i.e., when he was about to retire to bed, one small girl seemed to have peeped into his room and ordered him to get out of the room and he got out. A few minutes later he saw the whole building was coming down. The legend is said to be that Goddess Minakshi went to him and warned him of an impending danger. The

30th January 1936] [Mr. T. C. Srinivasa Ayyangar]

arched light that is in front of the temple was a gift of Rouse Peter. When I had the honour of explaining certain matters to His Excellency the Viceroy, the then Collector who was present with me told that he had not the same liberty to allot funds for the religious institutions as that ancient Collector had. There was the well-known Yousouf Khan who got back all the lands for the temple which were taken away earlier by Muslim conquerors. I ask the hon. Member from Ganjam if such cases were rare or general. I only think that in what my hon. Friend said, the wish was father to the thought. The result is he has tendered us an impractical advice. It is one thing that a committee consists of representatives of several castes of Hindus. But it is wholly another thing, that Christians or Muhammadans can be there. What my hon. Friend, Mr. Ramalingam Chettiyar, said was that there must be representations from the orthodox members from the community of the Hindus. But my own impression is that Mr. Ramalingam Chettiyar has done himself less than justice when he wanted to place himself in the position of a less orthodox man. His habits are orthodox and I do hope when he is offered a place in the committee he would not hesitate to accept it."

* The Hon. the Raja of Bobbili:—"Many of the remarks made especially by the Mover and the seconder of the motion were premature. They wanted to go into the financial position of the present Endowments Board and one of the members said that the Endowments Board is going to be provincialised. There seems to have been some misapprehension in making these remarks. I think at this stage these points are premature. I may state for the information of the House that the Government have not come to any decision on these matters. They have already made up their minds and there is going to be a larger scheme and there is no point in saying that a committee should be appointed to prepare a scheme. The whole idea in appointing a committee of this sort is that so far as the administration of Muslim endowments is concerned, they have decided finally that they should be brought under the scope of the Hindu Religious Endowments Act. But certainly the Muslim endowments will be looked after by a Muslim Commissioner and the Hindu endowments by the Hindu Commissioners. But if both the Muslim and the Hindu commissioners are located in one and the same place there would be some saving in office accommodation, staff and so on. The intention is that if we have a common board its functions would be more or less of a judicial nature. One board has to constitute itself into a court and give decisions. I may state at once that the whole idea is not to commit either the Government or the Council to any definite scheme. The intention of the Government is to constitute this committee to explore various avenues and to find out whether it would be possible to evolve a scheme that is financially sound. No doubt every opportunity will be given for an agreed scheme being produced. Not only the Legislative Council but the public also will be given an opportunity to express their opinions.

[The Raja of Bobbili] [30th January 1936

"As regards the personnel of the committee, I may state at once that Government have to use their discretion and nominate such men who in their opinion are competent to discharge the responsibilities that are to be entrusted to them. If the names of any members are not found, it does not mean that such men are not competent or qualified to find a place in the committee. I am sure the committee will have the benefit of the views expressed on the floor of this House and when they consider this matter, they will be able to evolve a workable scheme and then will give an opportunity to people of all schools of thought to express their opinions. By asking this House to agree to this demand, I may state at once that neither the Government nor the Council are committing themselves to any definite scheme by so doing. As I have explained already, the whole idea is to have the benefit of such economies which could possibly be effected by locating the two offices in one and the same place and also by having a common staff. Apart from this, it has never been intended by the members of the committee to interfere with the rituals or customs or rites of the various religious institutions. I hope, Sir, that the information that I have now given will satisfy hon. Members of this House."

The cut motion was by leave withdrawn.

The demand was put and carried and the grant made.

(2) GRANT XVI—ELECTRICITY—RESERVED.

* The Hon. Sir K. V. REDDI NAYUDU:—"On the recommendation of His Excellency the Governor, I beg to move—

'*that the Government be granted a further sum not exceeding Rs. 100 under "Grant XVI—Electricity—Reserved".*'

Hon. Members will find from the explanatory note [a] supplied to them that Government have had under consideration the question of improving and revising the existing arrangements under which the municipal engineers and electrical engineers in municipalities are appointed by municipal councils. The appointments are now treated as isolated, that is to say, each municipality appointing its own officers and there is no inter-relation between the officers of one municipality and those of another. In the interests of efficient administration of both the engineering department as well as the electrical department in these municipalities, Government propose to constitute these officers into two regular services. One will be called the Madras Municipal Engineering Service and the other the Madras Local Authorities Electrical Engineers Service. Of course the expenses involved in the payment to these services will be entirely met by the municipal councils concerned. The municipal engineer portion of the services would be placed under the sanitary engineer and the electrical portion under the Chief Engineer for Electricity. For the additional work involved in their offices, the sanitary engineer on the one hand and the electrical engineer on the other will require certain staff. This staff is mentioned on page 3 of the explanatory note, and it has been approved by the

[a] Printed as Appendix XI on pages 234–235 infra.

30th January 1936] [Sir K. V. Reddi Nayudu]

Government. But it will be noticed that a certain amount of funds would be required to pay this staff. As far as the new services are concerned, it has been proposed to move a supplementary demand and I take it that the small expenditure anticipated in the current year will be met from the sanctioned appropriations under the respective grants."

* Mr. M. A. Manikkavelu Nayakar:—" Mr. President, Sir, I beg to move— 12-30 p.m.

'*that the allotment of Rs.* 100 *under Grant XVI—Electricity—Reserved be reduced by Re.* 1.'

I want the Hon. the Law Member to enlighten the House as to the number of municipal engineers and the number of electrical engineers that will go to constitute these two new services. The explanatory note gives us only the expenditure on account of the additional establishment that will be required but we have no idea of the annual recurring expenditure on account of the creation of these new services. Further, I should like to know the opinion of the Finance Committee in this matter. The note does not say what the Finance Committee thought about the proposal.

"I would also like to know whether the additional staff that is referred to in the note is absolutely necessary and whether it will not be possible at the initial stage to get on with the existing staff. I think we should have the least amount of staff to initiate these two new services. With these remarks, I move the motion."

* Mr. K. A. Nachiyappa Gounder:—" Sir, I should like to get some further information with regard to this demand. I find from the note that one service is called the Madras Municipal Engineering Service, while the other is called the Madras Local Authorities Electrical Engineers Service. From this difference, are we to understand, Sir, that Government propose to constitute a service of electrical engineers with regard to local bodies also and encourage the undertaking of electrical enterprises by local boards too? Again with regard to the additional establishments for the office of the Chief Engineer for Electricity, I find that the additional establishment required by the Chief Engineer consists of one assistant engineer, two upper division clerks, one lower division clerk and one typist. Again under the heading of Chief Engineer for Electricity I find one upper division clerk. This needs some elucidation. Further I should like to know what are the duties of the additional establishment that is proposed to be appointed. As it is, I think, Sir, that the Electricity department is looking after the whole thing and any additional establishment that will be required will be only to deal with the appointments and transfers of these engineers and similar matters. For such things, I desire to know whether such a huge establishment consisting of a number of clerks is necessary. My object in giving notice of the 'cut' motion is to have some enlightenment on these points."

* Diwan Bahadur C. S. Ratnasabhapati Mudaliyar:—" Sir, I welcome the Government proposals to constitute a common cadre for

[Mr. C. S. Ratnasabhapati Mudaliyar] [30th January 1936

municipal engineers and another common cadre for electrical engineers employed in electrical undertakings of municipalities and local boards. As far as my knowledge of the scheme goes there was a proposal to have a common cadre for municipal engineers and district board assistant engineers who are more or less on the same scale of pay as municipal engineers. I do not understand why the Government have come forward with a proposal to have a common cadre for municipal engineers alone and left out the district board assistant engineers. I request the Hon. the Law Member to furnish me with the information.

"In this connexion I should also like to sound a note of warning. Whenever the Government want to create a common cadre for such officers there is a tendency on the part of municipal council to increase the pay of their engineers in the hope that when the common cadre is created the increased pay might be fixed as the permanent pay of their engineers. Whatever they might do, I request the Government to create a cadre which will be suitable for all the major municipalities. With these remarks I support the motion."

Mr. K. Koti Reddi:—"Sir, I just want to have some information with regard to this grant. It is stated in the explanatory note that the cost of these two services will be met entirely by the municipal councils concerned but that they will be placed under the control of the Government. Sir, when the cost of these services is met by the local bodies concerned, where is the justification for the Government appointing the officers and controlling them? If the cost is met by the Government, then they might constitute them into a separate service and control themselves. I want to know, Sir, why the Government should have any control over these officers now."

* Mr. C. Basu Dev:—"Mr. President, Sir, I rise to welcome the proposal of the Government to create a provincial cadre for municipal engineers and another provincial cadre for electrical engineers working under municipalities and local boards having electrical undertakings. In this connexion, I would request the Government to see that in forming these two new cadres the present incumbents are not in any way affected adversely. It may be that the authorities responsible for the creation of these two new cadres may remove one or two of the existing engineers. But I should like to remind the Government that the existing engineers were appointed by the municipal councils on the advice and approval of the departmental heads and therefore I see no reason why in creating these new services any one of them should be adversely affected.

"With regard to the point raised by the hon. Member from Cuddapah, namely, that the Government should have no control over the appointment and activities of these officers while the municipal councils are meeting their cost entirely, I may say that the trend of the Government—and rightly so—is to take on themselves the responsibility of providing the municipalities with officers having the requisite expert technical knowledge. I hope the responsibility will

30th January 1936] [Mr. C. Basu Dev]

always continue to rest with the Government and that they will not yield to the clamour of the municipal councils or the chairmen of municipalities, but will retain in their own hands the power not only to appoint efficient men but also to control their conduct and activities. Until and unless this is done, there will be absolutely no chance for efficiency of administration so far as these technical appointments are concerned. I therefore very strongly urge on the Government not to soften but continue to retain in their own hands the control of these appointments."

Mr. J. A. Davis:—"Sir, I welcome the proposal of the Government to constitute the municipal engineers and the electrical engineers into two provincial cadres. I am glad that the Government also propose to have these engineers under their own control. A system of dual control is bad and the reason why the Electrical Engineer of the Ootacamund Municipal Council has been unable to discharge his duties efficiently is due to the system of dual control. A deputation of the Ootacamund Municipal Council waited on the Collector and they were told that one of the reasons why the Government was unwilling to allow the Ootacamund Municipality to continue the present arrangement of supplying current beyond the limits of the municipality was that on certain occasions the efficiency of the Electrical department failed. The Government produced about five sheets of complaints from consumers of current. That showed that the supply of current outside the municipality was not efficient. Now under the proposed scheme, I am sure the Government will appoint efficient electrical engineers who will not be under a dual control but under their own control. This is a technical matter and has to be very carefully looked into. It is also a dangerous matter. The Government which is creating these services should also have a right to call the tune so far as the work of these engineers is concerned.

"There is also another question. The Government intend to confine the operations of the municipal council to the supply of current within municipal limits, with the exception of Coonoor which is at present supplying current outside municipal limits also. This being so, the pay of the electrical engineer will naturally be small as he will have to cater to a very small area and will have very little work to do within municipal limits. On the other hand, if the Government could see their way to appoint a single engineer for a whole district instead of for a single municipality, there will be no extra expenditure involved and the pay of the engineer who might be appointed can also be sufficiently high. I am speaking from a certain amount of experience in this matter when I say that a low paid electrical engineer may not be of much use in controlling a small area. It would be more or less a waste. If the Government would consider the advisability of appointing an electrical engineer for a whole district including the municipalities, he will have sufficient work to do and the pay that we may be able to give him will be proportionately large. With these remarks I support the motion."

[30th January 1936

* The Hon. Sir K. V. Reddi Nayudu:—" Mr. President, Sir, It will be noticed that there are two parts for this grant; one concerns civil engineers working in municipalities who attend to roads, buildings and services like that; the other concerns electrical engineers. As has been pointed out already, each municipality is at present appointing its own engineer and its own electrical engineer. The electrical services—I am not referring to the personnel of the service but the work done by these engineers in the power-houses and in attending to the needs of the people outside—are not an easy matter. Moreover they are a new matter. We have not got experienced electricians in the country and the engineers who are appointed are taken off-hand just as one is available for the salary which the municipality can afford to pay. Mr. Davis, the hon. Member from Ootacamund, the Member for the Anglo-Indian community, and one who has been Chairman of the Ootacamund Municipal Council for some time (An hon. Member: 'For a long time')—for a long time, I am corrected—has just now told the House the difficulties felt in Ootacamund. The Ootacamund Municipal Council has a power-house to which high-tension power is supplied from Pykara. They have also purchased an existing high-tension line and are supplying power to Coonoor Municipality which in turn is supplying power to a few tea estates. Complaints were received by the Government from various sources, from the people of the two towns and from those private plantations which have been receiving electricity from Coonoor to the effect that occasionally the supply failed. I am just mentioning this circumstance to show what advantage there will be if Government have an interest in this matter, not a pecuniary interest but an interest in the sense that they can attend to the wants of the consumers and rectify any defects that might be discovered and I may say that such defects will not be uncommon. Further in the interests of these officers themselves, it would be a great advantage. At present if a municipality does not want an engineer entertained by them for some time past, he has no chance of getting a place elsewhere. There is also not much chance of promotion. If on the other hand, there is a regular service for these men, transfers could be effected and the Government would be in a position, as also the Chief Engineer for Electricity, to find out which engineer would be fit for which municipality, because it will be noticed that these power stations are not of equal capacity nor is there any uniformity in the systems employed by the various municipalities.

12-45 p.m. " I think, therefore, it would be advantageous both to the municipalities and the officers concerned, if there was a common service. The next question is how that is to be effected, how that object is to be achieved. If there is a service and if the Chief Engineer should attend to these things, there must be an office, apart from the Chief Engineer's office, to attend to this work. That is why the appointment of an engineer and of the clerks is suggested.

" The hon. Member for Salem would find that this is a very highly technical department; he will also recognize that this is a new science

30th January 1936] [Sir K. V. Reddi Nayudu]

to our Province at any rate. There will be lot of work to be done by the Chief Engineer by way of scrutinizing and supervising, by way of looking into the papers coming from the engineers employed in the municipalities. At present we are not looking into these things. Occasionally, perhaps now, when representation is made to the Chief Engineer, he may send the Inspector of Electricity and he may himself attend to the work; that is purely a work of gratuitous help. There is no obligation on the part of the Government now, because we have nothing to do with the electrical services of the municipalities. Hereafter it will be a regular service, not a provincial service in the sense that the Government would pay them, but a municipal service, which cannot be controlled or supervised by the municipalities themselves, a service for which an outside authority is necessary for proper control and supervision. That outside control can come only from the Chief Engineer's office. Hon. Members are aware how full the hands of the Chief Engineer are just at present. He has got the Mettur Project on hand; he has got on hand other schemes for Bezwada and Vizagapatam—the Lambasingi Hydro-Electric Scheme. Heaps of such work are coming and it is impossible for him to attend to this work in addition to his own, unless he is given an assistant who can attend to this work; the Chief Engineer can only supervise the work. That is why there is a suggestion to appoint an assistant engineer. I am informed that the assistant engineer is not required. That answers the point raised by my Friend, Mr. Nachiyappa Gounder. Only one upper division clerk is required. Those were the proposals that were originally made and at the bottom of the page, hon. Members would find that only one upper division clerk on Rs. 55—70 is required for the Chief Engineer for Electricity. A small staff is required in the Chief Engineer's office and it is very satisfactory indeed because we have to incur very little expenditure. Therefore, other questions do not arise.

" My hon. Friend from Cuddapah wanted to know why the Government should exercise control over this staff and why should not the man who pays the piper, call the tune. By all means; if the municipalities can manage themselves, the Government would only be too glad to be freed from work of this kind. In the interests of the municipalities themselves the Government have undertaken this task and this is an advantage instead of having no control, no advice or help from above. All these advantages are there. I do not think it requires many words from me to convince the House of the need for a grant of this kind.

" So far as the Sanitary Engineering establishments is concerned, I am sure my Hon. Friend, the Chief Minister, will let the House know. I gather that there are 47 engineers in various municipalities; though the number of the electrical engineering staff is not so large at present. I may tell the House that very many municipalities have been clamouring for a large number of electric schemes for their municipalities; the Government have been finding it almost impossible to cope with the work; the municipalities themselves have been making these appointments.

[Sir K. V. Reddi Nayudu] [30th January 1936

"Another question was asked why the first service should be called the Madras Municipal Engineers Service and the other service, the Madras Local Authorities Electrical Engineers Service. So far as the district board engineers are concerned, I believe that the service has been provincialised already. Some district boards have been insisting that they should themselves take up the electric schemes. The name 'Local Authorities' would include municipalities and district boards. That is all the difference between the two. I do not know if it is the object of the hon. Member to say that whereas the district board engineers have already been provincialised, why should not the assistant engineers in the district boards be included in this cadre and called the Madras Local Authorities Civil Engineering Service or something of that kind. On that point, I must confess, I have no information at all. My Hon. Friend, the Chief Minister, will reply to that point. But so far as the Engineering service is concerned, this is a very small matter and I am sure the hon. Member would withdraw his cut motion."

Mr. T. S. Ramaswami Ayyar:—"Sir, while I do appreciate the attempt of the Government to provincialise these services of the local bodies, I may point out that the recent complaint against the Government is they are trying to curtail the powers of local bodies; in the name of efficiency, the autonomy of local bodies is certainly being very much curtailed. I do feel that local bodies should administer efficiently. It is one thing to say that local bodies should administer efficiently and it is quite a different thing to say that they should constitute themselves as it were into so many bodies attached to the chariot wheels of the Government. Where is the need to curtail the powers of local bodies? Though the Hon. the Law Member said that he agreed with the proposition that the person who paid the piper should call the tune, here we find the Government saying they shoud call the tune and that the local bodies should pay the piper. If Government are going to provincialise these services, they should contribute at least a certain share of the expenditure involved. Now the whole expenditure involved is being met by the local bodies; and the Government have the entire control. The local bodies pay for the services and the Government order them. I therefore feel that this is yet another inroad on the autonomy of the local bodies. I feel that we are not doing the right thing by the local bodies by agreeing to this demand."

The cut motion was, by leave, withdrawn.

The demand was put and carried and the grant made.

(3) GRANT XX—PUBLIC HEALTH—TRANSFERRED.

* The Hon. the Raja of Bobbili:—"Sir, I beg permission to take up item No. 4 now, as the discussion we had now, covers practically both the items 2 and 4.[a] I beg to move the motion standing in my name—

'*On the recommendation of His Excellency the Governor, I beg to move that the Government be granted a further sum not exceeding Rs.* 100 *under " Grant XX—Public Health—Transferred "* '."

[a] Printed as Appendix XI on pages 234–235 infra.

30th January 1936]

* Mr. C. Basu Dev:—" Sir, I wish to say a word or two on this grant. While welcoming the proposal, I would like to request the Government to consider the cases of not only Bachelors of Civil Engineering who are in service now as assistant engineers or supervisors employed in the various municipalities but also upper subordinates who are now serving as senior supervisors, when forming the provincial cadre. I also hope that the present incumbent will be absorbed and that none will be adversely affected. I thank the Government for this necessary step of provincialising the service. May I hope that this will be followed by other proposals to provincialise the whole service. With these words I support the motion."

The demand was put and carried and the grant made.

(4) GRANT XIX—MEDICAL—RESERVED AND TRANSFERRED.

* The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" Mr. President, Sir, on the recommendation of His Excellency the Governor, I beg to move that—

' the Government be granted a further sum not exceeding Rs. 100 under " Grant XIX—Medical—Reserved and Transferred." '

The note [a] which has been circulated to hon. Members, explains though briefly the circumstances under which this demand is being moved. The question of establishing a medical college in the Telugu districts first came up for consideration before the Government in the year 1917. In view of the increasing demand for higher medical education in the Presidency, the Government decided in that year that a second medical college must be opened in this Presidency and they were also of opinion that it should be located in the Telugu country preferably at Vizagapatam where a new up-to-date hospital was being constructed and there was a Harbour scheme under consideration which, if it became an accomplished fact, would largely increase the population of the town. They were also advised and they accepted the advice that the establishment of a second medical college like this in the Telugu districts was not in any manner going to affect the intended development of the Medical College at Madras. Though this decision was taken by the Government in the year 1917, owing to various causes the scheme was being delayed; and in 1919 the hon. Mr. V. Venkatapati Raju moved a resolution in the Legislative Council recommending to His Excellency the Governor in Council that a sum of Rs. 2 lakhs should be provided under ' 22. Education ' for raising the Medical School at Vizagapatam to a college. Replying to this resolution of the hon. Member, the Hon. Sir Alexander Cardew who was in charge of the portfolio at that time gave the assurance that, as soon as the necessary clinical material became available by the development of the hospital, Vizagapatam would get the college for the Andhra portion of the province.

[a] Printed as Appendix XII on pages 236–238 infra.

[Mr. S. Kumaraswami Reddiyar] [30th January 1936

1 p.m. "He added, however, that he hoped that the representatives of the Telugu country and the Ceded districts would keep on pressing the matter on the Government till they got it. No time would be lost he said in making arrangements to bring about this college. The representatives from the Telugu area, i.e., from the Northern Circars and the Ceded districts, accepted the advice of the Hon. Member of Government and went on pressing for the establishment of a college, and in 1923 this demand of the representatives of those districts was granted and a college was established in that year with the concurrence of the Finance Committee and this Council. Subsequently also, the college which had only a small beginning, was developed in various directions, so as to make it more efficient and make the instruction imparted there up to date, and more attractive in many respects. All the expenditure required for these developments was incurred with the concurrence of the Finance Committee and of the Legislative Council, and the college has now reached a fairly good though not the required standard of efficiency. Under section 11, clause (4) of the Indian Medical Council Act, the Indian Medical Council has to make arrangements as early as possible after the establishment of the Council, to inspect the colleges under the Universities of Patna, Rangoon and Andhra with a view to see if the medical certificates granted by these Universities could be recognized by the Indian Medical Council. Hon. Members will see, as is mentioned in the explanatory note circulated to them, that the Indian Medical Council has not yet recognized the degrees granted by the Andhra University to students of this medical college. The Medical Council therefore sent a commission of three of their members to inspect the Medical College in Vizagapatam, and to make their recommendations. After their recommendations were received, the Surgeon-General and the authorities of the Andhra University met and considered the report of the commission of inspection and accepted to a great extent the recommendations of that commission. The equipment of the college, the staff and buildings had to be improved, and the minimum that was required was reported to the Government. The Government considered the question whether these improvements were to be made or not. If the improvements were made, the Indian Medical Council would, in all probability, recognize the degrees of the students who passed out of the college maintained by the Government; if these improvements were not made, the degrees would not be recognized, and all the medical education given to students in the college would be wasted. As between the two alternatives, the Government certainly chose the proposal to make the necessary improvements. As I have already pointed out, the Government and this Council have repeatedly recognized the need for a second medical college in this Presidency, and a considerable amount of money has already been spent on the establishment and development of this institution; and if the Government were not prepared to spend something more now and equip the college up to the standard required by the Medical Council, the consequences would be disastrous. It was in view of these circumstances that the Government, as I said, decided to make the improvements. It was not however possible to make all

30th January 1936] [Mr. S. Kumaraswami Reddiyar]

the improvements that were required such as the building operations in the course of a year or two; as funds permitted, those improvements would be effected as quickly as possible. But there were some immediate improvements which could not possibly be delayed and on which the Medical Council was quite insistent. For this purpose, expenditure had to be incurred even during the current year. The college was very much under-staffed, and if the education imparted was to be up to the standard, some additional staff was required. The present demand relates only to that additional staff; the other expenditure that is required is included among the Part II schemes of the next year, and those schemes in due course will come up before this hon. House when the Budget is placed before it and the various demands in it are considered. At present, as I submitted, Sir, the additional staff that is immediately required has to be sanctioned and it is for that purpose that a token demand of Rs. 100 is now being moved.

"The Finance Committee before whom this proposal was placed did not accept it; but I hope after hearing now a fuller statement of the facts of the case and in view of the imperative need for the additional staff that is now asked for, even the hon. Members who opposed it in the Finance Committee will revise their opinion and accept the reasonableness of the demand now made by the Government.

"With these words, Sir, I move that the Government be granted a further sum not exceeding Rs. 100 under Grant XIX—Medical—Reserved and Transferred."

* Mr. M. A. Manikkavelu Nayakar:—"Sir, I beg to move that—

'*the allotment of Rs.* 100 *under "Grant XIX—Medical—Reserved and Transferred" be omitted.*'

Sir, this is one of those token demands which appear very simple and modest at first sight but which ultimately commit us to a very large expenditure. As the explanatory note will show, the full scheme, if it is to be given effect to, will cost us about Rs. 16 lakhs, and the annual recurring expenditure will be about Rs. 1½ lakhs. Now, what is the object of this demand? It has been said that the degrees obtained in this college have not been recognized either by the British Medical Association or by the Indian Medical Council. Inspectors were appointed to inspect the college and find out the defects in the college which stand in the way of recognition by the Medical Council, and as a result of their report, the Government now want to strengthen the staff. It will be interesting, Sir, to note what the Director-General states regarding this: He states that the Council cannot be expected to give an assurance on the question of recognition, and we can only hope that recognition will be accorded. So, there is no assurance here that the degrees will be recognized; and even if the improvements suggested are effected, it is open to the Council still to refuse recognition of the degrees. Under these circumstances, we must consider whether it is worth while spending this money when the position is so uncertain.

[Mr. M. A. Manikkavelu Nayakar] [30th January 1936

"Sir, the number of students that study in this college is about 218 or 219, and it varies in each year; and about 80 or 90 of these students come from areas other than Telugu areas. I would therefore ask the Hon. Minister whether it will not be possible to have these students admitted in the Madras Medical College. If the accommodation is not sufficient, we can provide additional accommodation so as to admit more students who will be greatly benefited by the first-class teaching staff here.

"Further, as has been pointed out, the Finance Committee has not recommended this demand. Not only this Committee but I understand that previous Finance Committees also did not approve of this proposal. (An hon. Member: 'No.') Anyway, I am sure the Finance Committee would have had greater details about the scheme and they must have gone very carefully into the matter and should have had sufficient reason for rejecting it. That being so, I suggest that in the present circumstances when the financial state of the province is not very encouraging, it is not desirable launching upon a costly scheme like this which would ultimately commit this House to an expenditure of about Rs. 16 lakhs and an annual expenditure of Rs. $1\frac{1}{2}$ lakhs."

* Mr. K. A. Nachiyappa Goundar:—"Sir, in seconding this cut motion, I would like to ask whether it is advisable to undertake such a heavy expenditure at this stage. I am no doubt in sympathy with the idea of spending as much money as possible on education, and especially on the improvement of medical education and the improvement of hospitals and dispensaries. But before we incur such a huge expenditure as this, we must consider the question carefully.

"Just now, Sir, we are almost in the transition stage for the new Reforms, and it has been repeatedly said by the Government themselves that we must conserve our resources and expand it too in the interests of the future Government. Besides, we have got to take up other and more pressing items of expenditure, such as for instance, the provision of drinking water-supply. In the Salem district, Sir, there is acute distress in respect of drinking water even at the headquarters town, not to speak of villages, and a scheme has been in the air for a very long time now, but nothing tangible has come out of it so far. If such vital needs as water-supply, etc., are to have priority, then I am afraid schemes such as the one before us have necessarily to be postponed for the time being and must await better times.

"Recently, Sir, we were also threatened with a statement that the finances of our province were unsatisfactory and that consequently a new tax on tobacco had to be imposed. Fortunately, however, the recent announcement in the papers of the figures taken for the compilation of our next Budget, has made it clear that we are not likely to be faced with any such difficulty. Still, having regard to the enormous ultimate expenditure that this scheme entails, I think, Sir, that we should consider the question very carefully as to whether we should take it up immediately or whether it cannot be postponed for some time.

30th January 1936] [Mr. K. A. Nachiyappa Gounder]

" Sir, the Finance Committee also seem to have stood against this grant and the reasons of the Government for overlooking that decision are set out in detail in the note. I should also like to know the specific principles on which the Government have gone against the decision of the Finance Committee and come forward with this demand at this stage. Coming to the details given in the note, I find that the demonstrators for physics and chemistry have been provided on a fixed salary. I want to know whether no scale of pay is found necessary in this case. I would be glad to have that information. I think there is justification for putting off this question for the present as it is not so pressing and the ultimate expenditure involved is rather very considerable." 1-15 p.m.

Mr. P. PEDDI RAJU :—" Mr. President, Sir, I am sorry that my hon. Friend on this side of the House has moved a motion to omit this grant. My hon. Friends have been saying that I have also given a similar motion. I wish to point out that my motion is intended to elicit more information. The idea is that this question has been pending for a sufficiently long time and the British Medical Association has been pressing upon the Andhra University as well as upon the college that unless certain essential defects and deficiencies were remedied, it would not be possible for them to recognize this institution as a medical institution; and my idea in giving notice of a motion is to find fault with the Government as to why they have not taken steps earlier enough to remedy those defects in order to see that it is affiliated along with the other colleges in India. Sir, this institution was started after a great deal of agitation and after feeling the necessity for the establishment of another medical college in this Presidency. It was started under the auspices of the late Raja of Panagal, who thought that it was to be the seat of the future Andhra University as well as of the Andhra province. It is now felt that it has been voted down by the Finance Committee probably because it is located in the Andhra centre. (A voice: 'Question.') Of course, I am only saying that it is the public feeling entertained by the Andhras generally. I am not questioning the right of hon. Members here to express their opinions, but all that I say is, the feeling is so strong in the Andhra country that the motion has been rejected in the Finance Committee on linguistic grounds. (A voice: 'Question.') I am not believing that statement; all that I say is that that is the public feeling. I am only saying that while a lot of money is being spent on medical education in the southern portion of the Presidency, I do not see any reason why you should not have a professional college in the north also to cater to the needs of the people in that part of the Presidency. You have got a number of medical schools in the south. We thought of establishing another medical school in Guntur and spent a lot of money on construction of buildings, but you have closed it down on financial grounds. There is therefore no reason to remove the only existing medical college in the northern portion of the Presidency; and there is also no reason to close it down after having spent a lot of money in building the college and a hospital and after having entertained great hopes of them. After

[Mr. P. Peddi Raju] [30th January 1936

all the sum that is sought to be spent, that is, a non-recurring grant of about 16 lakhs of rupees and a recurring grant of a comparatively small sum, is relatively small when compared to the money that you are spending on the Medical College in Madras or the other arts colleges throughout the Presidency. My submission to this House therefore is this, that we can stop even some grants for the improvement of the arts colleges, but we cannot stop improving the professional colleges, either engineering or medical colleges or things of that sort.

"Then, Sir, my hon. Friend, Mr. Nachiyappa Gounder, was telling the House that this money could better be spent in the improvement of water-supply and public health. I may tell him that the establishment of a medical college, improving it and training a number of medical men is also equally necessary in order to see that public health is improved in the Presidency. My submission to this House, therefore, is that at least in order to allay the feelings of the Andhras in regard to this matter, we should all vote for the grant."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"Mr. President, Sir, the Medical College in Madras is a first-class college, well-equipped and well-staffed and to have another college in Vizagapatam at an extra expenditure, of a non-recurring grant of 16 lakhs and an additional recurring grant of 1½ lakhs every year is only a luxury. It was elicited at the meeting of the Finance Committee that the Medical College at Madras will be able to accommodate the few students that come from the Andhra districts or those who are studying or will be studying in the Vizagapatam Medical College. Sir, this heavy sum is not to be thought of at this time of depression. Moreover, it was stated that the Telugu country requires a separate medical college. I do not think the entire Telugu country will be benefited by locating one college at the other end of the Andhradesa. If it is to be in Guntur or Kurnool, I can understand it, because it will be somewhere in the centre of the area. As a matter of fact, for the Ceded districts and for certain other Telugu districts, Madras is nearer than Vizagapatam. If, however, it is considered necessary, the Medical College at Vizagapatam may be continued as a medical school and thus the money spent on the buildings there will not be wasted. Especially when the Director-General does not find any reason for recognizing this college, there is no justification for spending a large sum on a matter like this. I therefore oppose the grant and support the motion."

Sri A. V. BHANOJI RAO:—"Mr. President, Sir, I am really surprised at the attitude taken up by my hon. Friends, Mr. Nachiyappa Gounder and Mr. Manikkavelu Nayakar. At the same time, I am not surprised to find Mr. Nachiyappa Gounder speaking, because we always find his name in every agenda. But, what arguments have they advanced for not having this allotment for the Medical College at Vizagapatam? I think it was Mr. Manikkavelu Nayakar who said that there was no guarantee by the Director-General of Indian Medical Services as to recognition. I do not think he has understood the position clearly. The Medical Council of India have stated that certain things are

30th January 1936] [Sri A. V. Bhanoji Rao]

defective and they have recommended certain modifications and unless those things are done, they are not going to recognize the institution. If the college is not going to be recognized, what will be the fate of the Andhra students who pass out of the college and what will be their plight in the medical world? Hon. Members will recognize the very great hardship to which the students who pass out of this institution will be put to. Some hon. Members have stated that it is a matter for the future and that it is a very simple matter. I say it is not such a simple matter but a very important matter.

"Coming to the argument advanced by my hon. Friend, Mr. Nachiyappa Gounder, that funds should be provided for rural water-supply, I am one with him in that respect; but may I tell my hon. Friend that the medical profession is equally useful and important for the rural population of India? If you compare the population of western countries with the population of India, you will see that the percentage of men belonging to the medical profession in India is far less than in western countries and that it is a profession which every one should see that it is maintained.

"Then there is another argument which my hon. Friend has advanced, and that is, that the Finance Committee has cut down the proposal. But the Hon. the Minister has pointed out that this college was started as a result of agitation in the Andhradesa for the establishment of such a college. Whether it be the Swarajists, Congressites or the Justicites, Brahmans or Non-Brahmans, Muhammadans or Christians, the unanimous cry has been for a separate medical college for the Andhradesa and it was under the auspices of the late Raja of Panagal that this college was established. One can easily imagine under what difficulties this college was started, originally with a small building and so on, and we can well realize under what great hardships the persons who were then in charge of the institution worked in order to make this college a success. Subsequently, we know what kind of anxiety the University, the present Vice-Chancellor and the Principal of the college had for the last so many months because they felt if the college was not recognized what the amount of suffering would be which their own students might have to undergo. Under such conditions they had to work in order to make the Government realize the importance of providing funds for the equipment of the college.

"Mr. President, Sir, another argument that has been advanced was that the Finance Committee had not sufficient facts before them when they decided on this question. If only they had known the full facts, I am sure they would not have voted it down. Probably, every one of the members of the Finance Committee thought that it was not so very important; but they did not consider the seriousness of the question for a moment, namely, what would happen to the college if funds are not provided. When I met one or two members of the Finance Committee, they also stated that they did not realize the gravity of the situation if the college was to be closed down. Sir, it is not possible to say that

the Finance Committee were fully aware of all the facts when they decided this question. If only they have the full facts before them and if the Hon. the Chief Minister would convince them, I am sure they would revise their opinion and see that what the Government has done is right.

"One more point, Sir, and I am done. Our thanks are due to the Government for the way in which the various Members of Government have taken up the question and our thanks are also due to the Vice-Chancellor of the Andhra University and to the Principal of the College, for all they have done in the matter of providing funds for the Medical College at Vizagapatam."

* The Hon. the PRESIDENT:—"As several hon. Members are willing to speak on this grant, let us have lunch before we hear them."

The House then adjourned for lunch.

(After Lunch—2-30 p.m.)

* Mr. DANIEL THOMAS:—"The motion before the House involves not only the particular issue on which we are now called upon to exercise our votes but also raises the question relating to the policy of the Government regarding medical help in this province. My hon. Friend, Mr. Bhanoji Rao, in the course of his remarks drew pointed attention to the fact that taking the masses of people in our province there is no adequate medical provision for their relief. That I believe is a proposition to which every member of this House will give his hearty and unqualified assent. But how exactly and in what manner this adequate relief is to be provided for in the province is a question which the House is called upon to consider in deciding this particular issue. I believe, Sir, the Government have not been following any steady or consistent policy in this matter. A large amount of help is felt to be necessary not so much in big cities and towns but in the rural areas of our province. There are scattered hamlets all over the province where such a thing as medical relief is a thing unknown for all practical purposes and is impossible of being secured. In such a case what exactly should be the policy of the Government, what exactly are the measures Government should adopt to bring medical relief to the nooks and corners and to the remotest rural parts of the province. In considering this matter, Sir, the question is whether we are to have high grade colleges producing experts and highly qualified experts, possessing high medical degrees which meet with the hall mark of approval of the Indian Medical Council or whether it is more necessary that you should provide adequate means or adequate institutions for the purpose of turning out a larger number of fairly competent medical men such as the L.M.Ps. are, who will be in a position to go and settle in the remotest parts of the province and thereby render medical relief to the poorest inhabitants. I think the people have a legitimate grievance. There were a number of medical schools in the various parts of the province. There

30th January 1936] [Mr. Daniel Thomas]

was a medical school in Madura, there was a medical school in Tanjore, there was a medical school in Coimbatore and I believe in Guntur also. I see Mr. Krishnayya Choudari nodding his assent and I think in Guntur also they put up a building for a medical school at a very high cost and it was almost completed. But when the money has been expended upon the necessary institution and when the accommodation and everything is complete, down comes the fiat of the Government that there shall not be a medical school, not only in Guntur but in other parts like Madura, Coimbatore, Tanjore, etc. In fact, I believe in Tanjore not only did the Government not continue their school at their own expense but I am credibly informed that there was private munificience and yet the Government would not carry on the medical school. Well, apparently in the policy of the Government every medical school shall be concentrated in Madras. It shall be the only medical school. If that is the policy followed by Government thus far how does the Government ask the Council to change the policy, to turn the current back and then vote a large sum of money including a heavy initial capital outlay and a large recurring expense in the shape of maintenance for the Vizagapatam Medical College? I protest against Government providing medical colleges and at the same time neglecting the running of the necessary number of medical schools in the various parts of the Province. I would submit to the consideration of the Government that for the purpose they are having in view, viz., the providing of medical relief to the remote hamlets of the Province it is more necessary that we should have a large number of men of ordinary qualifications and not high grade specialists with expert qualifications but men of the grade of L.M.Ps. In the present scheme of things L.M.Ps. are fairly competent men and I understand that the Madras Medical School is an extremely well equipped school turning out very competent men. Under these circumstances why should Government close down the medical schools in the various parts of the Province and ask for a large sum of money for Vizagapatam. It has been said that the college has been started, that much money has been expended for starting and running the institution and that it is necessary that it should remain a competent institution to secure the hall mark of the Indian Medical Council. This is a proposition with which all the members of this Council would agree. It is necessary that the Vizagapatam Medical College should be run on a sound and efficient basis. It must be so run as to secure the approval of the Medical Council; otherwise the degrees would be of no use. They will be a sort of waste paper. It is of course necessary that necessary provision should be made therefor. But for the sake of consistency, reason and logic I would submit to the Government if in their anxiety to provide adequate medical relief they are prepared to spend for a large college it is equally necessary, if not more necessary, that Government must find means for re-opening the medical schools closed in the various parts of the Province, and also if necessary start new ones. I think we may train a large number of L.M.Ps. with the money that we have to spend for a high grade college. I do not say that the college is unnecessary. But we have to provide

[Mr. Daniel Thomas] [30th January 1936

the necessary foundation for a superstructure. There should be the foundation and the basis on which we can rear and build the higher structure of a high grade medical college. But to have a medical college without medical schools is like having colleges without high schools. It will be like Government saying that we must have more colleges, abolishing the high schools. The necessary foundation would be lacking if we abolish our medical schools and spend our money on colleges. I am sorry that my hon. Friend, Mr. Peddi Raju, in discussing this matter threw out the suggestion that the provision had been rejected by the Finance Committee because it related to the Andhra area. Later on it was followed by a qualifying statement that he did not believe it. It is more imperative, then, that he should not have made the statement at all. I would assure the House there was no such idea in any of the members of the Finance Committee. The thing that influenced the Committee to come to that decision was that provision of medical schools was a more imperative necessity. But if in the light of the various facts which have been given by the Minister in charge of the portfolio and in view of the opinions expressed by the members from the Andhradesa, it is found that this college should be run and if Government are prepared to find the financial provision I have absolutely no objection. In making such provision for the colleges Government should in all fairness, logic and consistency and reason make even greater provision for the re-opening of the medical schools in the various parts of the Province."

Mr. Basheer Ahmed Sayeed:—"Mr. President, Sir, in participating in a debate like this I do not want it to be understood that any controversy has been raised against the college in the Andhra districts as opposed to a college in the Tamil districts or in the Kerala districts. Let us not view this question from that point of view at all. On the other hand let us realize from the outset that this question relates to a second medical college in the Andhra districts. It is not that there are two colleges in the Andhra districts but it is a second college which is going to be established permanently in the Andhra districts. Now we must examine before we can give an impartial vote whether there is any real need or demand for that college. In the first place the districts are not very far off from Madras, nor is the distance greater than it is from Trivandrum to Madras or Mangalore to Madras. The distance from Vizagapatam to Madras and from the southern-most corner of Madras Presidency to Madras are almost equal. That being the case, when you have a first-grade college and a well-equipped college whose degrees have been given recognition by the Inspectors that were sent out for inspection, why do you require a second college for catering to the very same needs?

2-54 p.m. "Now, Sir, does the Government realize what exactly they are about? They are going to have a non-recurring expenditure of Rs. 16 lakhs and a recurring expenditure of not less than $1\frac{1}{2}$ lakhs every year. Is there such an imperative demand, such an imperative necessity, that there should be a second college at Vizagapatam? Sir, after

30th January 1936] [Mr. Basheer Ahmed Sayeed]

all what is the case that the Government has made out in support of this college? They say that the degrees given by that college are not recognized and that in order to secure recognition for them from the Indian Medical Council we ought to spend Rs. 16 lakhs of public funds and also charge the revenues to the extent of Rs. $1\frac{1}{2}$ lakhs every year. That is all the case. The case is that we should get recognition. What happens really if recognition is not given? No doubt, as has been pointed out already, if the college is to continue and if its degrees are to be recognized by the Indian Medical Council, you will have to rectify the defects. The Inspector says you had better comply with *a*, *b*, *c* and *d*. If it is easy for the Government, if the times were normal, then certainly it is reasonable that we should do everything to remedy the defects and then make these degrees recognizable by the Indian Medical Council. On the other hand, at a time when you are really starving many other departments, when you are not able to find funds for essential services, when you want to raise Rs. 12 lakhs by further taxation and when you are still not able to show a surplus budget and when there is constant fear on the part of the Finance Member that the budget will show a deficit, does it stand to reason that you should go and invest, although stage by stage, 16 lakhs for a medical college? Is it or is it not a luxury? That is the important question, Sir. Is it or is not going to be an extravagant luxury too, if it is not going to be an ordinary luxury? What is it that prevents students from coming to Madras, then undergoing the course here and getting the degrees which are also recognized by the British Medical Council, not to speak of the Indian Medical Council? If it is argued that the degrees already granted have not been recognized, that is not going to be remedied by raising the status of the present Vizagapatam Medical College. What is it you are going to do? The Inspectors have found that the institution does not come up to the standard, up to the mark. Then, the wisest thing to do from the point of view of the Hon. Minister in charge and that of the Hon. the Finance Member is to close down the college, to make it a permanent medical school and be satisfied with it. You are not going, in spite of spending Rs. 16 lakhs, to get the degrees already granted recognized in a shorter time. It might be five years or even ten years from now, when you will be able to get the degrees of that college recognized. By the mere spending of Rs. 20,300, according to the present grant, while the ultimate cost is over Rs. 16 lakhs, what is it you are going to achieve? It is within the discretion of the Medical Council to appoint Inspectors, and those Inspectors will have again to go into the question and investigate and make a report. Where is the assurance, where is the guarantee, that the degrees will be recognized after all? I consider this a colossal waste of money. I say waste because the Government have not been able to find funds for an institution like the Mental Hospital at Madras. I have been a visitor to that hospital for the last one year, and I have found that the hospital is in a most deplorable condition. It is a disgrace to the Government of Madras and to everybody connected with the administration of the portfolio of medicine and public health,

[Mr. Basheer Ahmed Sayeed] [30th January 1936

that the Mental Hospital should be left in the condition in which it is to-day. There is accommodation hardly for 800 patients, and that hospital now contains 1,200 patients. The Superintendent of that hospital has applied time and again for extra accommodation, for extra buildings, for extra equipment and for extra comforts to patients, and every time the report that has been published by the Government says that the Mental Hospital cannot be improved and that they cannot find funds for the purpose. A steam laundry is required for the hospital, and you are not able to provide it at a cost of Rs. 20,000 or Rs. 30,000. The other day, when I was in the Finance Committee, the modest demand that was made by the Superintendent of the Rayapuram Government Hospital for a steam laundry to wash clothes, to have cleaner clothes for the patients, was refused and the scheme was put in class III. When you are not prepared to spend Rs. 30,000 or Rs. 40,000 for a very essential service in the Government Hospital at Rayapuram, you will not be doing the wise thing by incurring Rs. 16 lakhs of non-recurring expenditure and a recurring expenditure of Rs. 1½ lakhs.

"The Hon. Minister in charge of the portfolio was very kind to give us the whole history of the institution. The history does not make out a case. He has not really made out any case for the expenditure of this huge sum. He said that the degrees have not been recognized. He also said in the course of the arguments that it will be disastrous if this college is not going to be raised to the status that the Inspectors want it to be. Where is the disaster? I fail to see any. On the other hand, if you are going to spend Rs. 16 lakhs, though it may be spread over a number of years, that is a disaster to the public revenues and to the public finances of this Presidency. I implore that that disaster may as well be stopped by this House voting against the motion.

"Sir, there is one other institution which has been starved, and that is, the Indian School of Medicine, representing the indigenous system of medicine. The Indian School of Medicine requires every help, every encouragement, and it has been established some ten or twelve years ago. But what is the progress that the institution has made? It has been agitated on the floor of this Council that there should be greater and greater encouragement to the Ayurvedic, Unani and Siddha systems of medicine. What is the help Government have rendered to it apart from maintaining the school, equipping it with a poor staff and giving it a few buildings? Apart from that, the Government have done nothing to encourage the system of Indian medicine. The Principal of that school has been applying to the Government for extra staff, for extra accommodation. Have the Government been able to provide funds for that? The Government have been pleading financial stringency. How exactly that stringency has gone and how the Hon. the Finance Member has reconciled himself to this expenditure of Rs. 16 lakhs when he has starved, though not deliberately—when he has been unable to find funds to help—the institutions at Madras for the purpose of enlarging their

30th January 1936] [Mr. Basheer Ahmed Sayeed]

activities it is difficult to understand. The Government have not been able to find funds to support local bodies and municipalities to open a large number of Ayurvedic and Unani dispensaries. The Unani dispensaries in this Province to-day are not more than seventeen. No doubt, the Government have sent round circulars that the municipalities ought to encourage the Unani system of medicine and open more and more dispensaries. If the municipalities are starved of their revenues and are not able to spend more and if the Government do not dole out larger grants, by whom or from what source will the indigenous systems of medicine be encouraged? When you are not able to find funds for such necessary things, why do you go in for a luxury, for another Medical College in the Presidency? Is not the Medical College at Madras able to satisfy the people from the Andhra districts? Is not that college now inviting students not only from the Tamil districts but also from the Kerala districts? Is not that college undertaking to train students from the Punjab, from the United Provinces and from the Central Provinces? There are a number of students who have passed from that college and established themselves everywhere in the country. People have spoken about it, and I think it was Sir George Stanley, the late Governor of Madras, who said that in the East the Medical College at Madras, with the hospital attached to it, is one of the best. When the Punjab students are sent down to the Madras Medical College and when the Central Provinces people are sending their candidates for training at the General Hospital or at the Maternity Hospital or at the Radiological Institute situated in Madras, what is it that prevents students from Andhra districts from coming down here and taking advantage of the training that is afforded by the Madras Medical College and the hospital attached thereto? Are the Government, I ask, in a position to say that they have considered the scheme of expanding the Medical College to meet its full requirements? Have they considered the question of increasing the accommodation in the Medical College, of increasing the staff, of increasing the equipment in the Medical College at Madras? Are they able to say that they have examined these schemes and found them impossible, when they are going to invest Rs. 16 lakhs for this scheme of raising the status of the College at Vizagapatam? Even if you find the money for it, this scheme will not come to fruition within the next five or ten years. Such being the case, let us consider whether this Council is really taking the right step in voting for this token demand of Rs. 100, while the ultimate cost involved is Rs. 16 lakhs.

"Sir, the Hon. Minister was pleased to say that the minimum requirements of the college would cost Rs. 16 lakhs. It does not stop with Rs. 16 lakhs. It may go to Rs. 20 or Rs. 25 lakhs or more. The note circulated to us says that it will be over 16 lakhs. It is not really Rs. 16 lakhs or anything less than Rs. 16 lakhs, but it is over Rs. 16 lakhs. Sir, the hon. Member from Vizagapatam said that the condition of the degree-holders, and of the students undergoing training in this institution at Vizagapatam, ought to be kept in mind and that

[Mr. Basheer Ahmed Sayeed] [30th January 1936

hon. Members should not ignore that aspect. I am not one of those who are prepared to ignore that aspect. If those degrees are not recognized, if that college is closed, the University of Madras, might afford all facilities to take over those students of the Vizagapatam College and to provide them with every opportunity to qualify themselves. I do not see why there should be a duplication. Is it simply because there are a few students there undergoing medical courses? It has been the policy of the Government—at any rate the Hon. Chief Minister has been saying so—to invest more funds in higher education in any line whatsoever, whether it be in the professional line or in the arts line. If the Government are not going to invest more funds either for higher or for university education, then this Council will be too glad to vote for as much money as possible for primary and secondary education. That is a very sound policy. Probably Government have not yet decided to give effect to that policy. Time may come when they will have nothing to give to the universities, and the universities should depend upon private foundations. It may be that the time has not yet come. That time will surely come when the Government will cut away all connexion with the universities. Let more public bodies and individuals come forward and give donations and foundations for higher university studies and for research and so forth. If that is the ultimate policy and if the Hon. the Chief Minister is thinking of laying the foundations for that stage being reached, then, where is the justification for a second college in the Presidency, whether it be at Vizagapatam or elsewhere, whether it be an arts college or a professional college? It is time now to look up and see what exactly are the demands, the necessary and legitimate demands upon the finances of the Government.

"There is another question, Sir. The Hon. Minister gave us the history of the agitation which resulted in the establishment of the college at Vizagapatam. Does he realize that such agitation could also be carried on by the Tamilians in the Tamil districts for a separate medical college being established in the Tamil districts? My hon. Friend from Tinnevelly, Mr. Daniel Thomas, has said that the policy of adding to the medical colleges should be revised in favour of having more medical schools and that the question of reopening the medical schools at Tanjore, Madura and Coimbatore which have been closed must be revived.

3 p.m. "That is only one part of the agitation; but it is also quite likely that all the 11 or 12 districts in the South plus the Malabar district may say 'We shall have one college in the South and one in the West.' Are Government going to pay heed to such agitation? The Hon. Minister has already indicated that the public should carry on agitation for another college in the Tamil districts. Now, there has been a policy of centralization which the Government have been following for some time in the matter of local boards. They have been trying to have headquarter hospitals and district hospitals and so forth. So why should we not have a central college, one college most efficiently

30th January 1936] [Mr. Basheer Ahmed Sayeed]

equipped, and most efficiently manned and the best college, at Madras and be satisfied with it? What is in the way of making such a thing possible? Will we not thereby save lakhs of rupees and will not that saving be available for other more useful sources of activity? I think the Government owe a duty to the hospitals already existing. You are already starving the Education Department; you are starving very many essential services; you are not prepared to give money for rural reconstruction and for developing the indigenous systems of medicine. So what is the justification for spending 16 lakhs on a luxury, a pure luxury, and that for the sake of a few students, and without any assurance that that college is going to be recognized in the near future? Even as the lawyer's profession is becoming overcrowded, the medical profession is fast becoming overcrowded. I do not think that anybody would deny that. The students turned out of the Medical Colleges at Madras and Vizagapatam have yet to be absorbed in Government service. A number of doctors are without employment. When the profession is overcrowded, why should you go and encourage another institution at Vizagapatam? It is not the case that people are wanting. There are hundreds of doctors to-day in Madras who are ready for employment if the Government would only open more dispensaries, more clinics, throughout the Presidency. Why not employ them? Why go and multiply these graduates in the various centres and then create the problem of unemployment. (Mr. M. A. Manikkavelu Nayakar: 'Birth-control clinics.') Yes; birth-control clinics, leprosy clinics—more institutions of that kind are required. The Government are not really able to do anything in that direction and yet they want the luxury of a college at Vizagapatam at a cost of 16 lakhs.

"Sir, there is another aspect that I would point out and that is nearer home. I refer to the Victoria Caste and Gosha Hospital. The Superintendent of that hospital has been applying time and again for extra accommodation. The donations made to it have been very niggardly. There is a large space attached to it; the patients that visit it are numerous; the children that have to be treated are increasing, and doctors are not quite enough to attend to them; beds for in-patients are wanting; and every time we ask, 'Why turn out a deserving case from being admitted?' the Superintendent says, 'Where are the beds for them all? After all, for the women's section that is the only hospital for the whole Presidency, and that hospital is very ill-equipped. Instead of improving that hospital with a few lakhs you want to invest 16 lakhs on a luxury. There is every justification for utilizing these 16 lakhs if available and if the Hon. the Finance Member can spare it, in other directions, in more useful directions and get the best benefit out of it. After all, the advantage that would be gained by raising the status of the Vizagapatam college after spending 16 lakhs and more and then incurring a recurring expenditure of one lakh and a half will not be commensurate at all with the amount invested on it. Therefore I ask that we should pause before we give our vote to

[Mr. Basheer Ahmed Sayeed] [30th January 1936

this demand; voting on this demand need not and should not be based on Andhra *versus* Tamil or town *versus* mufassal controversy at all. There is no room for such animus in this matter. So I would respectfully say that this is a very unnecessary and unjustifiable luxury and it ought to be discouraged."

* Rao Bahadur Sir A. P. PATRO:—" Sir, after the torrent of eloquence which is quite irrelevant to the subject-matter before the House, and after the expressions of disgrace and disaster used by the hon. Member, Mr. Basheer Ahmed, in regard to this institution . . . "

Mr. BASHEER AHMED SAYEED:—" No, Sir. I did not use the word 'disgrace' in relation to this institution. I said that the way in which the Mental Hospital is being maintained is most disgraceful."

Rao Bahadur Sir A. P. PATRO:—" Memories are short, and in moments of excitement expressions are used by Members which they do not mean but which they are prepared to withdraw, as the hon. Member has rightly withdrawn from the position which he has taken up.

" He said it is a disgrace to the Government and disaster to the State in taking this course. Apart from these expressions (Mr. Basheer Ahmed Sayeed: 'My friend is misrepresenting me.') which are very common on the lips of the hon. Member, what I would submit is that the question before the House is not one of an expenditure of 16 lakhs or a recurring expenditure of 1·50 lakhs. It is ridiculous in the extreme to talk of huge expenditure. Of course it means that for the purpose of employment of additional staff in this college, what is wanted is an expenditure of Rs. 1,400 for the current year while the ultimate cost for one full year will be Rs. 20,300. That is the demand; that is what the Minister wants the House to sanction. (Interruption.) I think there are some natures which are irrepressible, and which are always unreasonable. False issues often arise from the fertile imagination, rather the very fertile imagination of the hon. Member, and then he begins to beat the air and wax eloquent over nothing. That is the position. The question is, there is a college at Vizagapatam. The hon. Member asks whether this institution is necessary in view of want of increasing accommodation and staff of the Madras Medical College. I would ask the hon. Members to take up the case of the Muhammadan College at Madras. I was the author of it. I placed it on a prosperous footing. Now I would ask him to say in all sincerity whether there is need for such an institution while you have got thoroughly equipped colleges in Madras. (Mr. Basheer Ahmed Sayeed: 'I accept the challenge.') When I mention that, it touches him to the quick; whereas eloquence is spent in the case of an institution which he favours and which he wants to improve in spite of other colleges at Madras. I am making a personal appeal to him to be reasonable. His arguments against Vizagapatam are altogether unreasonable. In spite of the institutions at Madras, we have a separate institution for the Mussalmans, a first-grade college over which we have spent lakhs of rupees in equipment. (Mr. Basheer Ahmed

30th January 1936] [Sir A. P. Patro]

Sayeed: 'There are Hindu students in the Muhammadan college; may I invite his attention to that?') What does it matter? A good parliamentarian will never rise so often as my hon. Friend. The hon. Member in opposing this motion asked, why there are other institutions which are not helped; therefore cut the expenditure on this. In reply I would ask Mr. Basheer Ahmed Sayeed to brush up his memory and go back to the time (he was not in the Council then) when the late lamented Raja of Panagal instituted an enquiry, obtained the necessary information and founded this institution. It was gradually developed and it is now rising to be one of the first-rate institutions in India. Now, Sir, my friend's ignorance is colossal; he should rest content with the little knowledge he possesses in connexion with this subject instead of airing all his fancied grievances, grievances such as that the mental hospital and the lunatic asylum has not been adequately provided. I don't know whether he was ever there for inspection."

Mr. BASHEER AHMED SAYEED:—"I must rise to a point of order. However aged my friend the hon. Member for Ganjam may be, he must be moderate and not indulge in such frivolous and foolish language."

* The Hon. the PRESIDENT:—"The hon. Member only mentioned that he was a visitor to the Mental Hospital." (Loud laughter.)

Mr. BASHEER AHMED SAYEED:—"I have visited persons like him there."

* The Hon. the PRESIDENT:—"Order, order."

* Rao Bahadur Sir A. P. PATRO:—"He spoke with inside knowledge of the want of accommodation and various other things in that institution; he has got a detailed knowledge of that institution. He has further said, and I quite agree with him, that the Government should provide the necessary funds for remedying the defects and improving the conditions in other institutions as well. No one will dispute his position to that extent. It is absolutely necessary that we should keep our hospitals in good working order. But what I don't agree with him on is that in his desire to help the other institution he wants that expenditure on this institution should be cut off. The conditions 3–15
in the Medical College were enquired into at the time and it was found p.m.
that the accommodation in the institution was insufficient and unsuitable for the large number of students that flocked to it every year. It was for that reason that another institution was founded at Vizagapatam where there was the King George's Hospital. The college at Vizagapatam is very ably staffed. Really first-class surgeons and first-class doctors who can hold their own against the other members of their profession are there. But the Inspectors of the Medical Council want some more staff in that institution so as to make the standards of that institution come up to the standards of medical education obtaining elsewhere. I am not on this occasion going into the merits of the report of the inspectors. But this much I may say: in England most of the hospitals are run by private help and are not dependent on

[Sir A. P. Patro] [30th January 1936

State subsidy. In our country the conditions are different and the Government are obliged to spend large sums every year, though not as much as 16 lakhs as interpreted by the hon. Member Mr. Basheer Ahmed.

"In this connexion, Sir, one has to remember that in the Vizagapatam Medical College there are students from all parts of the Province. There are students from Tamil districts and also from Malabar. It is not an institution conducted exclusively for the benefit of the Andhras. As the Madras Medical College is not able to accommodate all the students who seek admission to it, the Vizagapatam college supplies the need. It is therefore absolutely necessary to have this college at Vizagapatam. Now the only question is the need for raising its standards to the level suggested by the Inspectors of the Medical Council. Sir, this is an institution which from small beginnings has grown into a big banyan tree. Is it not part of wisdom to encourage its growth and make it a satisfactory institution? I do not think anybody will grudge it the encouragement it deserves and refuse to agree to carry out the recommendations of the experts in medical education.

"Then, Sir, another Member of the Finance Committee, Mr. Daniel Thomas, in his quiet way, said: 'I do not want the development of the Medical College; I want more medical schools to be opened for turning out more L.M.Ps. These L.M.Ps. are more in demand." No one denies the proposition that rural medical aid is a great necessity. But I will turn to him and ask: 'Why allow the Madras Law College to turn out more and more B.Ls. and M.Ls. every year? Why not have second-grade law colleges which will turn out muktears (Laughter) and the old type of *eachamaram vakils* (Renewed laughter)? Why do you want lawyers of the cultured type well versed in the knowledge of jurisprudence and so on? We do not want them. My hon. Friend, Mr. Basheer Ahmed, said that there is a great congestion in the professions and that more doctors are not required. May I, with all respect, ask him why he is an addition (Laughter) to the legal profession? I do not mean anything personal. What I am saying is that that argument does not hold water. My friend knows it and he was in a humorous vein when he spoke of unemployment. My hon. Friend, Mr. Daniel Thomas also said or implied that half-educated or ill-educated medical men will do for the rural areas. But he forgot the fact that even they require training under some highly qualified medical men before they can be put in charge of our rural dispensaries. We want more rural dispensaries no doubt. But could you staff them with untrained and half-trained men? To staff those dispensaries properly we require young men trained in properly equipped institutions like the Vizagapatam Medical College. Thus it is necessary that we should strengthen the staff there and improve the studies.

"One hon. Member said that the University (Andhra) is struggling hard. Well, if a University is struggling hard or somebody is struggling hard, it is not our concern. What we are concerned with is the

30th January 1936] [Sir A. P. Patro]

strengthening of the Vizagapatam Medical College as required by the experts of the Medical Council and for that purpose it is but reasonable that this House should vote for this demand."

* Diwan Bahadur C. NATESA MUDALIYAR:—" Mr. President, Sir, I want only to show this House that the Vizagapatam Medical College is a necessity and not a luxury. (A voice: 'Hear, hear.') Every year, for lack of accommodation we have to deny admission to young men to these two medical colleges. Nowadays large numbers of our young men take to medicine after passing the Intermediate examination in arts. Those that are denied admission include many boys belonging to the backward communities. We make it a rule to admit the candidates belonging to backward communities and then others. In spite of that, many young men belonging to the backward communities are left out. The House will realize from this the insufficiency of accommodation in our medical colleges. The strengthening of the staff of the Vizagapatam Medical College is very necessary because otherwise it will not be recognized by either the Indian Medical Council or the British Medical Association. They suggest that we should equip the college and also the hospital where the students are to be trained, in such a way that the Indian Medical Council will recognize their degrees. I say it is a necessity that the Vizagapatam Medical College should be improved so that its degrees may be recognized by the Indian Medical Council. If we do not improve it, the moneys that we have so far spent on it will be a waste. We want that college and we want the students of that college to be efficient and useful to the public. Now that the Government has come forward with a demand for 16 lakhs for that institution, our financiers say, 'Oh! what a heavy sum!' Other countries are lavishing money on education, especially on medical education. When my hon. Friend Mr. Krishnayya Choudari was referring to it, I thought it was Rs. 60 lakhs. It is not so. It is only 16 lakhs. I hope the House will sanction this sum.

" Sir, I am thankful to Mr. Basheer Ahmed for putting forth all our grievances especially that relating to the Victoria Gosha Hospital. I am glad that Rs. 12 lakhs have been set apart for the Gosha Hospital alone. Only small sums out of this allotment are granted every year. They are slowly improving the hospital. The out-patient department there is still inadequate; but by the time the whole of this allotment is spent on it, the institution will become large enough to meet the needs of the public. Now, Sir, if this sum that is proposed to be spent on this hospital serving the needs of only a portion of the population is not enough, what about the needs of the college? When they demand that Vizagapatam Medical College should be well-equipped, should not that demand be met? Sir, I only want the Minister to consider this. The proposed administrators in that college are non-medical men. They should be medical men. A physics graduate or M.A., even though he is an expert in physics, cannot teach the medical students physics as applied to medicine. A Chemical Examiner is the chemistry professor of that medical college. That is an ideal thing. I want.

[Mr. C. Natesa Mudaliyar] [30th January 1936

medical people as professors and demonstrators. I want graduates in Arts and Science with medical qualifications to teach the students there. I do not know why they omitted the demonstrator in Biology for this college suggested by the Surgeon-General. A knowledge of Biology is as necessary for the medical students as a knowledge of chemistry or physics. So I hope the Government will consider these things. I request the Hon. Minister in charge to see that a graduate in physics with a medical degree or a degree in any science is appointed to teach the boys there.

3-30 p.m.

"Our young men pass many high examinations in Arts. They do not want to go to medical schools. There they require only S.S.L.Cs. The medical schools were not popular. They abolished medical schools in most of the places. Now the L.M.P. course is not so very attractive as the M.B. course. Well-equipped men should go to rural parts and not men with half qualification, not only in the North but also in the South and West. The L.M.P. course consisted of three years' course previously and then they raised it to four and now they have it as five years' course. Now the question is whether to abolish L.M.P. and have only one degree, M.B., B.S. So L.M.Ps. are being coached in the same way as M.Bs. They read the same books as M.Bs. Mr. Basheer Ahmed said that we must have a medical college for the South. By all means let us have it. But let us not abolish the Vizagapatam College. You may have another in the South.

"Now, Sir, I would point out that there is one medical man for every 20,000 people in the Presidency. I want that there should be at least one medical man for every 1,000 people in the Presidency. There are rural parts where there is no medical aid. There is one sub-assistant surgeon for a headquarter hospital and when he goes out from the headquarters, patients who are suffering from acute diseases there suffer very much. We want as many medical people as possible and we want as many rural relief centres as possible. So considering all these things, a medical college in Vizagapatam is a necessity. Now they want Rs. 16 lakhs. I wish it had been Rs. 60 lakhs. What is the use of spending on elementary education if you have not enough of medical men. As for the death of medical people, they die for want of medical people to attend on them. All medical people are useful. Now they wanted to have the Madras Medical College built on the site of the Spur Tank, failing which they are spending lakhs of rupees for remodelling the present building of the Madras Medical College. Now they are going to spend 16 lakhs for the Vizagapatam College. There is no use of spending this amount part by part. It is right they sanctioned, I believe, 30 lakhs, for the Madras Christian College and other Arts colleges and the Annamalai University. I want a similar amount spent on this medical college."

Mr. P. V. Krishnayya Choudari:—"Some hon. Members spoke about a second medical college at Vizagapatam as a reduplication and said that it was not necessary. My point is whether the Madras Medical College could accommodate all the existing students in the Vizagapatam

30th January 1936] [Mr. P. V. Krishnayya Choudari]

college. If it can accommodate, I quite agree to the scrapping of the Vizagapatam Medical College. As a matter of fact the Madras Medical College is not in a position to accommodate the boys that are studying in the Vizagapatam college. If these boys are to be accommodated in the Madras Medical College, it would require more money than what would be required for continuing the existing college at Vizagapatam. I got this information from the Surgeon-General who is a better authority than my hon. Friend, Mr. Manikkavelu Nayakar or any other Member of this House. When we asked the Surgeon-General in the Finance Committee, he said that the Madras Medical College could not accommodate any more boys than there are at present in that college. If we want to accommodate all the boys of the Vizagapatam College in the Madras college we will have to spend something like 40 lakhs. That is what he stated. We have already spent some 50 lakhs for erecting a building at Vizagapatam and this will become a waste if we abolish the college there. The question is whether we should spend another 16 lakhs for having a college at Vizagapatam or spend another 60 lakhs for the Madras Medical College.

"By having a medical college at Vizagapatam it is not meant that we are showing any favour to the Telugu country because it is only a question of allowing the boys there to pursue their studies at a lesser cost, because Vizagapatam is not a costly place as Madras. This is the reason why boys from South Kanara are coming to the Vizagapatam college. So, Sir, by having a college at Vizagapatam it would facilitate boys to have their education at a lesser cost.

"Another reason for continuing the college at Vizagapatam is that it has been in existence since 1923. Even the Retrenchment Committee, although they first thought of scrapping the college, afterwards dropped the idea. As such I do not think there is any necessity to abolish the college at this late hour. For the last four years the degrees of the college have not been recognized. We made the students understand that the degrees would get recognition. Now if the degrees are not recognized it will not only mean loss of prestige to the Government but it will also be very undesirable.

"I would ask the Hon. Minister who has taken the trouble of bringing forward this demand as to why he has not circulated the inspection report of the Medical Council for the information of this Council. He has not also circulated the same to the Finance Committee. I do not know why he has not done so.

"Some of the hon. Members said that the Andhra University has programmed to spend 16 lakhs of rupees in a period of five years. If that is so, what is the programme? I was also made to understand that the spending of Rs. 16 lakhs would include provision for some buildings for the Principal and so forth. I do not think it is necessary to spend part of the amount on such buildings for the Principal and so on. I request the Hon. Minister to carefully scrutinize the proposals once again with the assistance of the Surgeon-General and Mr. Lakshmanaswami Mudaliyar who is also a Member of the Medical Council.

[Mr. P. V. Krishnayya Choudari] [30th January 1936

He can constitute a small committee if he likes to go into the whole question and see what is the minimum amount to be spent for getting recognition of the college at Vizagapatam. All these luxuries can be thought of later on. I was told that the building for the Principal alone costs something like one lakh.

" Mr. President, there is no question of Tamilians or Telugus. I can assure other hon. Members of the House that the Finance Committee have not considered the question from that standpoint. They considered the question purely from other standpoints. I would also request Telugu Members that they should not think that the decision of the Finance Committee was such because it consisted more of Tamilian Members.

" Mr. President, Mr. Daniel Thomas said that as we are having too many high schools we must have more arts colleges. That reasoning will not apply, because, if a candidate wants to take up the medical course, he need not go to an arts college. After finishing his school course in a high school, he can go straightway to a medical college.

" I personally feel that for rural improvement more doctors are necessary and so I would suggest to the Hon. Minister to provide more money for opening rural dispensaries, so that the students who come out of the medical colleges can be safely provided with appointments. I would once again appeal to the Hon. Minister to support this scheme without any hesitation. I also thank the Hon. Minister who has taken so much interest in this cause although the Finance Committee has thrown out the proposal, and also the Hon. the Finance Member. I do not know if any other gentleman has taken the trouble to carry out the scheme. My hon. Friend Mr. Bhanoji Rao has mentioned specially that the Vice-Chancellor of the Andhra University has taken some trouble in this matter. I do not know how far
3-45 p.m. these gentlemen have taken any trouble. Perhaps it is like 'You scratch my back and I will scratch yours' and they have been praising each other. Whatever it might be, I personally feel that the real people who have taken any trouble in the matter are the Members of the Government including His Excellency the Governor and I want to thank them for that."

Diwan Bahadur A. APPADURAI PILLAI:—" I move that the question be now put."

The Hon. the PRESIDENT:—" I shall call upon the Hon. Minister to speak."

* The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Mr. President, Sir, I am sure my hon. Friend Dr. Natesa Mudaliyar's speech would have convinced hon. Members of the House that the Medical College at Vizagapatam is not a luxury but a necessity. Dr. Natesa Mudaliyar's speech is entitled to special value as he is an experienced medical practitioner himself and he must have spoken on this subject with a great deal of knowledge. I may also mention that at the time the Vizagapatam Medical College was established the whole

30th January 1936] [Mr. S. Kumaraswami Reddiyar]

question was fully examined by the Government. When this scheme was under consideration the Government had also a proposal under consideration of building an up-to-date Medical College on the Spur Tank in the City of Madras. The Government consulted the Surgeon-General whether the establishment of a College at Vizagapatam would be necessary in view of the fact that a Medical College on up-to-date lines was going to be built in the City of Madras. The Surgeon-General gave it as his advice to the Government that the proposed Medical College at Vizagapatam would serve the Telugu districts and that its development would not be affected by the new College to be built on the Spur Tank. The Government therefore decided that the Vizagapatam College should be started as early as possible. It was not without a deliberate consideration of the *pros* and *cons* of the proposal that the Government took the decision to build the College at Vizagapatam. Then the question of the necessity for this College came up for consideration more than once before committees constituted to enquire into the condition of medical institutions in this Presidency. In the year 1930, when Mr. Muthia Mudaliyar was in charge of the medical portfolio, he appointed a committee consisting of several medical practitioners in Madras—non-officials—who went into the question fully and they recommended the retention of this College at Vizagapatam. They considered it to be a necessity as in their view, with which hon. Members may or may not agree, the need of Madras is not so much for more doctors as for better doctors. In that view, the Committee was definitely of opinion that the Vizagapatam Medical College should be retained, but at the same time they recommended the abolition of certain medical schools in the Presidency. It was in pursuance of that recommendation that some of the medical schools were abolished. I may tell the hon. Member, Mr. Daniel Thomas, that the Government in abolishing these schools acted on the recommendation of such a responsible committee as this committee was. Then again, in 1931, the Retrenchment Committee which went into the question of retrenchment in all the departments of Government was for retaining this College at Vizagapatam. And so, whenever the question came up for consideration whether this College was necessary or not, the verdict has always been in favour of retaining this College as it was necessary in the interests of the Telugu area.

" My hon. Friend Mr. Basheer Ahmed, though he deprecated argument based on consideration of Andhra *versus* Tamil, I am afraid, used that very same argument in support of his position. He said: if you are afraid of agitation from the Telugu area, a similar agitation would be started in the Tamil districts and would you yield to it and start a college somewhere in the Tamil districts? That kind of argument, I do not think, is worth much when the need for the Vizagapatam College is, as I said, fully established and the College at Madras serves the interests of the Tamil districts as well as any college established in Trichinopoly or some other place in south would. There is nothing in the argument that the Government have unduly yielded to the agitation from the Andhra area. I was rather surprised that he being a member of the Syndicate of the Madras University, should have

[Mr. S. Kumaraswami Reddiyar] [30th January 1936

taken up such a hostile attitude towards the development of an infant University like the Andhra University. If this proposal of the Government is going to be negatived by this Council, the result will be that one of the important faculties attached to the Andhra University will be cut out altogether, as there will be no Faculty of Medicine at all in the Andhra University. Is that a position which my hon. Friend who is on the Madras University and also on the Annamalai University would look upon with equanimity? Well, the Andhra University deserves encouragement and help. Instead of giving that, an important University-man like my hon. Friend, Mr. Basheer Ahmed, would do just the opposite of encouraging such a University.

"Sir, as so many hon. Friends have spoken on this subject and have supported the proposal of the Government, I do not think it is necessary for me to advance any further arguments in support of it. I can only assure them that it was after a most mature consideration of all that can be urged in favour of as well as against the proposal that the Government came to this decision. I do not think, Sir, that the hon. Members who have opposed this proposal have fully realized the implications of the non-recognition by the Indian Medical Council of the medical degree of the Andhra University. It is not worth anything. The medical degree, as my hon. Friend Sir Patro pointed out, is a mere scrap of paper; and for securing that mere scrap of paper, are the students and the Madras Government to spend such a large amount in maintaining the Medical College? Most of the considerations urged against this proposal might have been relevant at the time the idea of the establishment of a College at Vizagapatam was first mooted. Now that the College has been established, the question is whether it should be abolished altogether or whether it should be made worth while for students to get their education there. Most of the arguments advanced are, I submit, absolutely irrelevant and I hope the Honourable House will accept the proposal of the Government and sanction the grant that has been moved as a token grant."

The Hon. the PRESIDENT:—"Is Mr. Manikkavelu Nayakar pressing his motion?"

*Mr. M. A. MANIKKAVELU NAYAKAR:—"May I just say a word? If the Hon. Minister clears my apprehensions, I may not press my motion."

The Hon. the PRESIDENT:—"Yes."

* Mr. M. A. MANIKKAVELU NAYAKAR:—"My main objection to this token demand is that in the guise of a token demand for a small sum the province is about to be committed to a huge amount of recurring and non-recurring expenditure. I hope, Sir, the Hon. Minister would enlighten the House on the full implications of this token demand. The hon. Member from Ganjam interpreted this demand as committing the House to an expenditure of Rs. 1,400 and said that any discussion about the question of committing the Government to a huge expenditure

30th January 1936] [Mr. M. A. Manikkavelu Nayakar]

of Rs. 16 lakhs non-recurring and Rs. 1½ lakhs recurring was beside the point. But unfortunately the Hon. Minister did not say anything on that point.

"Then, Sir, having regard to the opinion of the Finance Committee in this matter who should certainly have gone into the details of the scheme, if the Hon. Minister gives an assurance that the vote of the Council on this demand will not commit the House to anything more than the expenditure of Rs. 1,400 and that the question of the expenditure of further huge sums will be scrutinized by the House later on, I will withdraw my motion. On the other hand, if the Hon. Minister is of the view that this demand will commit the House to the large expenditure both recurring and non-recurring, I am afraid I must press my motion."

* The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"Sir, I do not think it is a question of my personal view of the matter. The note is sufficiently clear. If the scheme is accepted, what the probable expenditure involved will be is mentioned in the note. Subject to detailed examination, the Government have accepted the scheme that has been put forward. We have taken the House into our confidence and told them what the intentions of the Government are in regard to this matter. The answer does not depend upon my personal view; it is a matter on which my hon. Friend from North Arcot is as much entitled to hold a view as myself; it is a question for the Chair. Whether by voting on this demand the House will be committing itself to the entire expenditure the Government may intend to incur on the scheme, is not a matter which depends upon my personal view. The note is there and it says what the scheme is, what the ultimate expenditure might be but that the immediate requirements are only so much. But the Government cannot incur the expenditure which may be required in the future without their coming before this House. The amount will be in the budget and at that time it may be open to hon. Members of the House to discuss the provision in the budget. That, I take it, is the correct position and I do not think any further personal undertaking or expression of my personal views can be given in this matter."

The Hon. the President:—"Is the hon. Member (Mr. Manikkavelu Nayakar) pressing his motion ?"

* Mr. M. A. Manikkavelu Nayakar:—"Yes, Sir."

The cut motion was put and lost.

The demand was put and carried and the grant made.

(5) GRANT XXIX—CIVIL WORKS—WORKS—RESERVED AND TRANSFERRED.[a]

* The Hon. Mr. P. T. Rajan:—"Sir, on the recommendation of His Excellency the Governor I beg to move—

'*that the Government be granted a further sum not exceeding Rs.* 300 *under* "*Grant XXIX—Civil Works—Works—Reserved and Transferred*".'

[a] Explanatory note printed as Appendix XIII on pages 238–242 infra.

Sir, this demand deals with three items for each of which a token demand for Rs. 100 is moved. The first item deals with the acquisition of a bungalow with compound in Mangalore for use as residence for the Collector of South Kanara. The second relates to the purchase of the old Municipal Hospital buildings and site at Coimbatore. The third relates to additions and alterations to the Government House, Guindy. The Explanatory note circulated to hon. Members explains each of these three items.

" Coming to the first item, acquisition of a building for use as residence by the Collector of South Kanara, at the present moment the Collector of South Kanara has no official residence. He is put up in a rented building which is owned by four people jointly. Attempts were made in the past to get the building put in good order so that the Government might take a longer lease of it, but owing to litigation among the several owners, no settlement could be reached. Then it was proposed to acquire the bungalow and the site but it was found to be too costly. Subsequently however, it was reported to Government that acquisition could be made for a lesser amount, that the foundation and masonry were perfectly sound and that the roof timbers were also renewed a few years ago. In the meantime the Collector reported to Government that a suit notice from a person who had purchased a part ownership of the building had been received by him claiming arrears of rent which he had already paid as usual to the person owning the share in question. Secondly it was also found that no other building could be had which was suitable for housing the Collector. The Government also think that it is unsatisfactory that the Collector of the district should be at the mercy of private landlords. So, it is proposed

4 p.m. to acquire the building and the cost of acquisition is mentioned in the note—Rs. 48,557 for the compound, for the necessary contribution for compulsory acquisition, for repairs and so on. The amount can be found from the provision made in the Civil Budget Estimate for the current year under this head of account and a demand for supplementary grant for a token sum of Rs. 100 is moved. I hope the House will accept the demand.

" Coming to the next item, the Municipal Hospital buildings were originally given to the Municipal Council, Coimbatore, for use. The Arts College was accommodated in that building for some time. Subsequently when the Medical School at Coimbatore came to be closed, its buildings were placed at the disposal of the authorities of the Arts College and the Arts College was moved there. The plea of the Municipal Council, Coimbatore, now is that when the building was in their occupation, they effected certain improvements to the building and that they also constructed new buildings. Instead of wasting money on litigation, the Government came to a conclusion that a compromise might be arrived at ; a compromise has been effected and it is proposed to pay the Municipal Council Rs. 27,500 in final settlement of all claims and to get full ownership of the buildings. The building is being used by different offices of Government. Necessary

30th January 1936] [Mr. P. T. Rajan]

funds can be found by re-appropriation. A token demand is therefore moved for getting the sanction of the Council.

"The third item deals with improvements to be effected to the Government House, Guindy. The Government have recently decided that the Government House, Madras, should be the permanent residence of His Excellency the Governor and that the Government House at Guindy should be his week-end residence. The building is too large and the maximum amount of convenience cannot be commanded. With a view to make the building more useful, it is proposed to make necessary alterations and additions at an estimated cost of Rs. 1,00,000. As early as 1930, a sum of Rs. 1 lakh was provided for this purpose; but the work was given up because it was found at that time that it would not be economical to carry out the work. Now it is found that, if necessary alterations could be made, such of the buildings as will not be required by His Excellency, might be let out to Government Officers. In the present year it is proposed to start the work. A token demand for Rs. 100 is moved, so that the work can be proceeded with, with the sanction of the Council. The provision necessary for the next year, 1936–37, will be made in the budget estimate of that year. The necessary sanction of the Secretary of State has been obtained for effecting improvements and alterations to the building. The expenditure is debitable to the head 'Capital' along with the other items of expenditure of a similar nature necessitated by the inauguration of the Reforms, all of which combined are estimated to cost over Rs. 5 lakhs. As I said, I move this token demand to get necessary sanction of the Council to start the work. I hope the House will be pleased to pass the demand."

* Mr. M. A. MANIKKAVELU NAYAKAR:—"Sir, I beg to move the cut motions standing in my name:—

'*To reduce the allotment of Rs.* 100 *of item* (*a*) *under* "*Grant XXIX*" *by Re.* 1.'

'*To reduce the allotment of Rs.* 100 *of item* (*c*) *under* "*Grant XXIX*" *by Re.* 1.'

My object in moving these motions is to get further information. I agree with the Hon. Minister that the District Officials should not be at the mercy of a private landlord. But I would suggest that, in the matter of acquisition of the building, the Government should be as economical as possible. The original estimate for acquiring this building was Rs. 79,000. In the revised estimate for acquiring the building now it is stated to be Rs. 48,000. By the adoption of the former method, the cost of acquisition of the building was Rs. 79,000. By a different method of calculation, the estimated amount is considerably less. I hope the Hon. Minister will explain the position. He will also tell us, I think, what rental value will be fixed upon this investment, what is the amount that the Government will get by way of rent. No doubt it will vary according to the pay of the different officials who occupy the building. Still, the Hon. Minister will be able to give us a rough idea of the amount of rent which the building will fetch.

[Mr. M. A. Manikkavelu Nayakar] [30th January 1936

"Then with regard to the third item—additions and alterations to the Government House at Guindy—it is stated that in the year 1930, a sum of Rs. 1 lakh was sanctioned by the Secretary of State for expenditure in connexion with sanitary installation, drainage arrangements, etc. The expenditure was not incurred as it was considered later that the scheme would be uneconomical in view of the condition of the house. Since then, there has been no change in the condition of the house. It is in the same condition in which it was not though advisable to carry out repairs. The Government now say that they are going to add to or alter the entire building. They are not bettering the condition of the building now. I do not know how the Government are justified in spending large sums of money on alterations and additions when the state of the building is bad. It is stated in the note that a sum of Rs. 5 lakhs has been allotted for improvements in connexion with the inauguration of the Reforms. I want to know what the other improvements or proposals for construction of new buildings are, which will cost Rs. 4 lakhs."

* Mr. K. A. NACHIYAPPA GOUNDER:—"Sir, I beg to move the cut motions standing in my name:—

'*To reduce the allotment of Rs.* 100 *of item* (*a*) *under* "*Grant XXIX*" *by Re.* 1.'

['To avoid arbitrary acquisition and to suggest the construction of a new building if necessary later on.']

'*To reduce the allotment of Rs.* 100 *of item* (*b*) *under* "*Grant XXIX*" *by Re.* 1.'

[To elicit further information.]

"I do not move my third cut motion as it will be covered by the amendment of Mr. Manikkavelu Nayakar.

"I would like to ask whether there is any pressing necessity to acquire the building in South Kanara. It is stated in the explanatory note that this building had been used by successive Collectors for a very long time. They have been living in that bungalow without any difficulty whatsoever. No trouble arose up till now. Recently we find that the Collector has been subjected to some litigation, on account of non-payment of rent to one of the owners of that building. From what we know about this case from the newspapers, I should say that this is not a matter of much gravity. It is a matter of litigation between the landlord and the tenant; and naturally the landlord will seek a remedy if the tenant does not pay heed to the notices issued by him for payment of rent.

"We find that the question of acquisition of the building was considered in the year 1930; the cost of acquisition was Rs. 55,000 and the cost of repairs was Rs. 24,000 and odd. Thus the total cost came to Rs. 79,000 and odd. Now the cost of acquiring the building is estimated at Rs. 41,347 and the cost of repairs at Rs. 7,210. The ultimate cost comes to Rs. 48.557. The explanation furnished for this difference does not seem to be quite satisfactory. There is a great

30th January 1936] [Mr. K. A. Nachiyappa Gounder]

variation in the cost of repairs as estimated in 1930, and now. In 1930, a sum of Rs. 24,000 and odd was required for repairs ; now it is only Rs. 7,000 and odd. That means to say that the owners of the building have carried out many repairs since the year 1930, and the building should be in a fit state for living. How is it, then, that the value of the building now is very low ? That is a point which has to be looked into. If the Government can make a saving, of course, we must welcome the proposal but it should not be arbitrary in the interests of the individuals also. The whole question seems to be mysterious and it requires further explanation; and full facts should be made available.

"In the explanatory note it has not been stated whether the Finance Department has given its acceptance to this proposal or not ; in other cases it has been stated whether the Finance Department has approved or disapproved them. This information should be furnished to the House. I must draw the attention of the Government to the fact that they have to look to much more important things first, before considering the question of providing quarters for their officers. There are many other important proposals lying idle without being taken up. For instance, in my own district, there is the question of the construction of a new building for the Women's Hospital at Salem and although the question of hospitals, etc., has been sufficiently dealt with in the previous demand, I am afraid I cannot refrain from referring to it here. The Queen Alexandra Hospital for Women at Salem is in dire need of a building, and the Surgeon-General himself has been pressing the question of the provision of a building for this hospital for a long time now. The question has been shelved all these years on the ground that there is no money available for it. The hospital is struggling hard for accommodation and that question must receive the immediate consideration of the Government. When there are such proposals already before us requiring immediate attention, but kept back for want of funds, I do not think, Sir, that a proposal like the provision of accommodation for officers has sufficient justification for being brought up now. I think, Sir, that even if this question is put off for some time, the Collector may not be inconvenienced very much, and they can rent buildings themselves.

4-15 p.m.

"Another question to be considered in this connexion is whether it is worth while acquiring an old bungalow. The description given in the explanatory note shows that a good deal of expenditure has been incurred on repairs. I want to know whether the question of putting up a new bungalow has been considered. If that is done, I think Government can have some savings under 'repairs' in future years.

"With regard to the estimated amount, again, some elucidation is necessary. In 1929–30, the area of the site was shown as 11 acres and 30 cents, while now it is put in as 23 and odd acres. In spite of this variation in area, the value of the bungalow including the site is put at a much lower amount. That point also requires to be explained

[Mr. K. A. Nachiyappa Gounder] [30th January 1936

in detail. Then, I pass on to the second item, i.e., the municipal hospital buildings at Coimbatore. In this connexion, I must point out that the Government have been in the habit of not looking into such questions properly. The Government seem to have been evading payment to the municipality for a good number of years. The question of compensation arose, I think, in the year 1911, when the building was vacated, and the municipality had to be given its due share; but the Government, in the exercise of their powers, have been evading payment to the municipality all these years. This policy of the Government is not correct, and one of the objects of my giving notice of this cut motion is to point out to the Government that such a policy is wrong. I can point out a case in the Salem district where a building was transferred to one of the late taluk boards for utilization as a school, but some years afterwards the Government took up an opportunity of snatching away the building. It was after repeated representations that the building was left over for the use of the school. I think, Sir, that local bodies should be shown some amount of respect in such matters and whatever is due to them should be paid to them immediately, instead of their being made to wait for as long a time as the Government please, or their being driven to resort to unhappy proceedings in civil courts. I request that at least in future the Government will see that their present policy in this respect is revised.

"Lastly, with regard to alterations in the Government House at Guindy, I want to have some information. I am glad to see that some provision is made for the accommodation of officers, and thereby some income by way of rent will be realized. I should like to know who are all the officers to be provided with such accommodation, and what is the amount likely to be realized from those officers by way of rent; also, whether the amount to be so realized as rent will be commensurate with the amount now proposed to be spent.

"The mover of the motion has already requested for detailed information, and I would also desire to have the information, as to how the sum of Rs. 5 lakhs which has been estimated in connexion with the inauguration of the Reforms is to be spent.

"For these reasons, Sir, I move the cut motions standing in my name."

* The Hon. the PERSIDENT:—"There are four cut motions for discussion along with the main demand—two by Mr. Manikkavelu Nayakar and two by Mr. Nachiyappa Gounder. For the sake of convenience, we shall have all the cut motions discussed together and disposed of separately."

* Mr. M. S. SRESHTA:—"Mr. President, Sir, I wish to deal first of all with the first item regarding the building required by the Collector of South Kanara. I must say that the arguments advanced by my friends, Mr. Manikkavelu Nayakar and Mr. Nachiyappa Gounder, were very reasonable; but if they knew the facts, I do not think they would have opposed the proposal. In the first place, as regards the estimate, I myself had some misgivings; I could not understand how the building

30th January 1936] [Mr. M. S. Sreshta]

the cost of acquisition of which was estimated at Rs. 79,000 some years ago could now be acquired for a smaller amount. I find however that one reason for the discrepancy is that a large amount was estimated for repairs some years ago, whereas now a much smaller amount is found sufficient. The reason is given in the note itself, viz., that 'it has since been reported by the Executive Engineer, West Coast Division, that the foundations and masonry are perfectly sound and the roof timbers were also renewed a few years ago.' I know the building personally and therefore I am in a position to say that the note is absolutely correct. The building is a very fine one, one of the finest and perhaps the finest building in Mangalore, and is a suitable building for the Collector to live in. The Governor comes there and has got to be accommodated in some suitable building. Many important functions take place now and again, and it is desirable that the Collector should be housed in such a commodious and nice building. I am sure, Sir, that if the hon. Members who spoke just now had gone to the building and seen it, they would never have objected. It has got a very fine view and it is certainly worth the amount now demanded for it. In fact, the objection raised by my friends seems to be that the amount is too small, so small that it cannot be correct, and that later on the demand may be increased. But it must be remembered, Sir, that the value of land has fallen considerably and that since the old estimate was made the value has gone down to a very great extent. It is therefore quite possible to acquire this building for the modest sum now asked for.

"I think Mr. Nachiyappa Gounder stated that there is no reason for acquiring the building now, seeing that so many Collectors have been successfully occupying the building and there has been no difficulty felt all along. I may however tell him that it is not so; the Hon. the Revenue Member, when he came to Mangalore, found it so difficult to have any repairs effected that he went to some other building and lived there. I think there has been some difficulty in getting the house repaired, because, as pointed out in the note, there are four owners."

The Hon. the PRESIDENT:—"Does it make the acquisition easier?"

Mr. M. S. SRESHTA:—"The difficulty, as pointed out, is that it is very difficult for the Collector to have any repairs effected, and I know that recently the Collector had to spend a lot of money out of his pocket—I think about Rs. 2,000. Mr. Manikkavelu Nayakar said—and that argument is contained in the note itself—that Collectors and officers of that type should not be at the mercy of landowners. If this building is not acquired, it will be very difficult to find another building for the use of the Collector. I know that when Mr. Souter was there, this building could not be repaired and he had to take another house which also was not suitable. It is essential that officials like the Collector, the District Judge and similar officers should not be under obligation to landowners. They should be provided with quarters, so that they may not have to go and beg the landlords for the carrying out of repairs, etc. They ought to be placed in an independent position. Therefore, on principle, I think this amount for the acquisition of the bungalow.

[Mr. M. S. Sreshta] [30th January 1936

for the Collector should be approved. As my friend here, Mr. Raman Menon, points out, it is also a business proposition, because it will fetch a proper interest; but even if it does not, the proposal is a very good one, because, as I said, otherwise, whenever a Collector comes, he will have to go and beg for a house from somebody—and I do not know whether such a course will not even lead to corruption. As a rule, officers should be kept above all chances of corruption and should have no necessity to be under obligation to anybody.

" As regards the municipal hospital buildings site, I think the best argument for it has been furnished by Mr. Nachiyappa Gounder himself. His only grievance seems to be that the municipal council has been kept waiting too long.

" As regards the Government House at Guindy, I do not think any argument has been advanced against it. It is but desirable that suitable repairs should be carried out to an old building like that which has been occupied by the Governor for so many generations.

" Under these circumstances, I hope, Sir, that the cut motions will be withdrawn."

4-30 p.m. The Hon. Mr. P. T. Rajan:—" Mr. President, in view of the speech of my hon. Friend, Mr. Sreshta, it is hardly necessary for me to deal with the criticisms that have been levelled against the acquisition of this bungalow. . . ."

* The Hon. Sir Charles Souter:—" Before the Hon. Minister replies to the points raised, with your permission, Mr. President, may I just say a few words? I endorse what Mr. Sreshta said about this bungalow. When I went to South Kanara in 1924, my predecessor who was just then leaving the place, told me he had had about six inches of water in his dining room during the monsoon—and he had to move his furniture from one place to another and hardly found a place to put his bed—and that because the roof of the bungalow was so leaky, it was impossible for him to live in it. After a little bit of experience of it and finding the sun came through the roof, I was forced to leave the bungalow which was occupied by Collectors for many years previously and go to another bungalow which, as Mr. Sreshta said, was certainly not suitable, but the only bungalow which I could find in the place. I asked the landlord, or one of the landlords, whether he would do any repairs to that bungalow and he confessed his complete inability to do so, because he could not get the consent of his co-owners. I understand this state of things went on for some years, but some repairs, I believe, were done by one of the co-owners and Mr. Gawne, now Collector of the district, in particular, spent a very considerable amount of money out of his own pocket to do the repairs which were necessary for the house to be made liabitable. Sir, I think, this condition ought not to be allowed to continue and that surely is not in accord with the dignity of a Collector—whether he is a European or an Indian—that he should be under such obligations to a private owner and that he should be under the necessity of continually begging his landlords to effect the necessary repairs to a bungalow for which he is paying, I believe,

30th January 1936] [Sir Charles Souter]

Rs. 160 a month as rent. That rent, as hon. Members of the House will agree, is a considerable amount for a bungalow of a decent size in Madras itself. I may remark also, that even on sentimental grounds, there can be little objection to this acquisition for this reason. The land on which the bungalow is situated was given on lease by the East India Company in the old days under what was called the Sheffield Grant, to a private owner on condition that he should erect a bungalow which would be suitable for servants of the company to live in. That lease was for 99 years which I think, expired by about 1906. When the thing came up, in spite of the recommendations of the then Collector and the Board of Revenue to resume the lease of the land and the bungalow thereon, the Government granted the land on patta. The owner at that time strictly adhered to the conditions of the original grant, that is to say, the bungalow was kept in fair order and was reserved as a residence for the Collector of the district. I am afraid, since then, troubles have arisen owing to the transfer of the property from one owner to another and the trouble became more acute after I went to Mangalore; and it seems to me it is but right and proper that this bungalow should be acquired.

"I may point out further, as one hon. Member suggested, that the Government should build a new bungalow for the Collector, and that apart from the question of the difficulty of finding a site, which I think all Members who come from South Kanara will recognize, a new bungalow for a Collector's residence, will cost about Rs. 60,000, that is, Rs. 13,000 more than the cost involved in the present acquisition. The repairs to this bungalow will only come to about Rs. 6,000 and including this, the cost of acquisition will come to about Rs. 47,000. There will thus be a net saving in any case of Rs. 13,000 if this building is acquired, instead of a new building. Quite apart from any sentimental or other reasons which may exist, it seems to me that it is profitable to acquire this building, and I do trust this House will pass this demand."

* The Hon. Mr. P. T. Rajan:—"Sir, there is very little for me to add with reference to the acquisition of the bungalow in question, except to answer one or two points. I was asked what would be the rent that this building would fetch after this building has been acquired and repaired. The rent would be about Rs. 200 and it is not necessary for me to say that any officer who occupies it will pay either the standard rent or one-tenth of his salary, whichever is less.

"Then, coming to the transaction of the municipal hospital buildings in Coimbatore, the municipal council has been giving a lot of trouble to the Government. Let me say that if the municipal council had only agreed earlier, there would have been no trouble. At that time they wanted to keep the old building on the ground that certain buildings were constructed by them and that certain improvements were effected by them. It was pointed out to them then that as the municipal funds were not spent on them they were not entitled to the property. The Government in order to protect the interests of the public and the tax-payer, had to carry on a negotiation with the council. It will not be

[Mr. P. T. Rajan] [30th January 1936

advisable for Government to go to a court of law to settle disputes if they can be settled otherwise. I may say that Government do not treat the local bodies or municipal councils harshly and they always deal with these bodies generously. I believe the present arrangement gives satisfaction both to the Council and to the Government and I do hope the House will accept this demand also.

"Then, I come to the points raised regarding additions and alterations to the Government House at Guindy. If only my hon. Friends had cared to go through the notes carefully, no further explanation would be necessary for me. No doubt in 1930, a lakh of rupees was sanctioned by the Secretary of State for sanitary installation, drainage arrangements, etc., in the Government House, Guindy. But the expenditure was not incurred as it was considered later that the scheme would be uneconomical in view of the condition of the House. Now, what is proposed is to alter the building in such a way as to make the House small and to make it an economical residence for the Governor. Incidentally I may point out to hon. Members of this House that such other portions of the House as would not be required for His Excellency the Governor's use would be given to officers of Government for their occupation; and in this way Government would derive Rs. 10,000 to Rs. 12,000 per annum by way of rent from them. So, hon. Members will see that we are not spending money without any profit to Government. (Mr. M. A. Manikkavelu Nayakar: 'But how are you going to improve the condition of the House?') By making it more compact after effecting certain necessary repairs.

"Lastly, Sir, one other point which was asked of me was, why five lakhs were mentioned when the demand is for only Rs. 1,00,000 which is required in connexion with this building. My reply to that is, five lakhs are required for effecting additions and alterations in the Government House, Madras; and all these alterations and changes will have to be made as a result of the Reforms. I mean accommodation for the Governor's Secretary under the Reforms, alterations and improvements to the Banquetting Hall and other portions of Government House, Madras, etc., will require this amount; when the time comes for making these alterations, Government will of course come before this House for necessary sanction as they are doing in the present case. I do hope in view of my explanation, the House will be pleased to accept these three items and give the necessary sanction."

Mr. K. A. Nachiyappa Gounder:—"I wish to say only a few words and I do not want to take up the time of the House. My point is that the amount estimated before and now makes me think that the acquisition is made in an arbitrary manner and I wish the Government will look into this question and see that injustice is not done to any one. With these remarks, I do not press my motions."

The cut motions were, by leave, withdrawn.

* Mr. M. A. Manikkavelu Nayakar:—"I wish to withdraw my motions also."

The cut motions were, by leave, withdrawn.

30th January 1936]

* The Hon. the PRESIDENT:—"I will now put the main demand to the vote of the House. The question is—

'*that the Government be granted a further sum not exceeding Rs. 300 under "Grant XXIX—Civil Works—Works—Reserved and Transferred".*'"

The motion was carried and the grant made.

(6) GRANT XXXI—CIVIL WORKS—GRANTS-IN-AID—TRANSFERRED.[a]

The Hon. the RAJA OF BOBBILI:—"Sir, on the recommendation of His Excellency the Governor I beg to move—

'*that the Government be granted a further sum not exceeding Rs. 200 under "Grant XXXI—Civil Works—Grants-in-aid—Transferred".*'

There are two specific works under this demand. One is special repairs to the second-class road from Kodaikanal Road station to Kuruvanath in the Madura district where the volume of traffic is very heavy. It has been found that the road has deteriorated so much that it is necessary to relay the foundations. As the finances of the district board are not sufficient to meet this expenditure, it is proposed to assist them by a special grant from the Road Development Fund. Plans and estimates have been prepared and have been approved by the Chief Engineer, and the scheme has received the sanction of the Provincial Board of Communications. The amount required in the current year for the purpose is Rs. 30,000 and it is proposed to meet the amount from the savings out of the current year's allotment for other road and bridge works financed from the Road Development Fund.

'The second item refers to the diversion of the Great Northern Trunk Road via Vizianagram, Nellimerla and Jagannatharajapuram in the Vizagapatam district, instead of along the coast. It is proposed to divert the Trunk Road so as to bring in Vizianagram City under its control as this section of the road is found to carry the largest volume of traffic.

"Really the expenditure of Rs. 5,22,000 is not due to the diversion. 4-45 p.m.
Probably the expenditure due to transfer will be Rs. 90,000. The main item is 4,62,000 for the construction of the bridge. The bridge has been constructed at the Great Northern Trunk Road, that is the present trunk road. But before it was handed over to the district board it was washed away by floods. Now there has been some dispute with the contractors regarding the liability for the loss. If this proposal is approved by the House, the new bridge will be constructed at the same level higher up near Nellimarla. So the new expenditure cannot be put to the cost of diversion because it will have to be incurred in either case. This scheme has been approved by the Board of Communications and also by the Government of India. It is now proposed to move a token cut to enable Government to incur the necessary expenditure. The total expenditure of both these schemes will be met from the Road Development Fund, that is from our share of the fund. It will not be a direct charge on this Province. I hope the House will grant these two items."

[a] Explanatory note prnited as Appendix XIV on pages 243–245 infra.

[30th January 1936

The Hon. the PRESIDENT:—" I hope to finish the grant to-day. It is not put in the agenda for to-morrow."

* Mr. K. A. NACHIYAPPA GOUNDER:—" I move—

'*to omit the allotment under " Grant XXXI ".*'

In moving this cut motion, Sir, I like to say a few words. With regard to item (*a*) I find that the expenditure to be incurred in this case is considerable and the matter has gone up before the Finance Committee. The Finance Committee does not seem to have given the approval. But Government have brought it up before the House. In such cases, I should like that Government should state their specific reasons for deviating from the decision of the Finance Committees. In the absence of such a thing, I am compelled to ask whether the demand that is now proposed is quite necessary. Further, the amount involved is considerable and my question is whether it cannot be put off for some time. With regard to item (*b*), I have to point out whether it is necessary to incur such a large expenditure at this stage over this work. This work does not find a place in the report furnished by the special engineer for road development. From that you will have to conclude that this is not an urgent proposal which requires immediate attention at a cost of more than five lakhs of rupees. Here also my hon. Friend, Mr. Bhanoji Rao, may remark that he was not surprised to see my cut motions and that they were inevitable. But I will have to tell him that I do what I feel and I do not leave away things as people like him are accustomed to do. When I feel there is a necessity to explain anything or bring out any fact to the notice of the authorities, I cannot sleep over things as my hon. Friend does and wakes only when he is personally interested in it. Then, Sir, I must point out that the distribution of grants for such affairs is not equitable in regard to other districts. I can present a statement of figures of grants paid to various districts for road purposes which the Government have furnished in answer to a question of mine answered on the 23rd March 1935; in it I find huge grants in lakhs allotted to the Vizagapatam district for the past years from 1929–30 whereas the maximum grant got by my district since 1929–30 is only Rs. 39,000 and odd and there were no grants at all for some years. I insist on better attention being bestowed on some equitable distribution of grants to various districts. I should like to invite the attention of the Government to the fact that at one time we brought up a proposal for a bridge across the Cauvery. That also finds a place in the report of Mr. Vipan as an important inter-district communication. The Government turned down the proposal on the plea of no funds. When such an important thing which as an inter-district communication has been overlooked, I should like to ask, Sir, whether it is absolutely necessary to incur this expenditure of five lakhs and odd when we are in a period of transition. I must draw the attention of the Hon. Minister to this and ask him to see that justice is done to all the areas. For this purpose, I have given the cut motions and I should like to hear what the Minister says about these things."

* Mr. W. K. M. LANGLEY:—" Mr. President, I wish to refer briefly to the proposal for special repairs to what is usually known as

30th January 1936] [Mr. W. K. M. Langley]

the Cumbum road. My hon. Friend, Mr. Nachiyappa Gounder, did not dwell on this to any great extent, but confined himself rather to the other item, with which I am not so much concerned. The only remark that I think he made in connexion with the proposal regarding the Kodaikanal road was his statement that the amount is large, and that he could not see any necessity to incur the expenditure at the present moment. If we adopt that attitude in connexion with any particular item of expenditure on roads, it seems to me that within a short space of time the state of the communications of this Presidency will be nothing but deplorable. It does not seem to me to be sound reasoning. One must assume, when a proposal like this is put before the House, there must be some good reason for it, and it cannot be dismissed so lightly as my hon. Friend, Mr. Nachiyappa Gounder, dismissed it just now.

"I should just like to remind the House that in point of fact the matter of this road has been coming up, almost interminably, within my experience outside the House for the last 15 years and more, and inside the House for the last three years or thereabouts. It has been constantly referred to within my memory by the late Mr. Robert Foulkes of Madura, who had special knowledge of this road and of its importance. I also, as representing the Planters in this House, have considerable knowledge of its importance generally, and of its special importance to the planters in the Travancore State. You might ask, why bother ourselves about the planters in Travancore State. It is for the simple reason that this road is the main, if not the only, means of communication between British India in the South and the Travancore State. As such, it is a road of the most immense importance. I think a greater part of the rice and other supplies which are used in the Peermade district of Travancore go up this road. If this road is closed, all that rice would inevitably have to be imported, from Burma or elsewhere, in the Cochin or Alleppey ports and taken up by ropeways and other such means to the planting districts, and all that important rice trade would be entirely lost to the growers of rice in South India, in Tanjore and elsewhere.

"In view of the remarks we have heard about the importance of finding markets for the Tanjore rice, and the complaints—the legitimate complaints—of the mirasidars of Tanjore about their hard lot at present, I should like my hon. Friend, Mr. Nachiyappa Gounder, to go round and tell the mirasidars that the road is of no importance whatsoever. I imagine he would not have a very good reception. Apart from the rice supplies, I should like to point out that of such products as come down this road from the interior, particularly tea and cardamom, a large quantity is consumed in this country and not exported. Therefore, I maintain that probably this road has as much importance, if not more, than any other road in South India, and is a most important channel of internal trade; and therefore should be encouraged in every way possible. I need not enlarge on the fact that the actual expenditure is provided out of the Road Development Fund, and therefore does not fall on the finances of this Presidency. The only item which does

fall on anybody is the item of recurring expenditure. But as the Madura District Board, who are a singularly independent body, have expressed themselves as quite ready to meet that expenditure, I do not think it is for us to question their wisdom. I support very strongly the motion for this particular grant."

5 p.m. * Mr. T. C. Srinivasa Ayyangar:—"Mr. President, Sir, I desire to associate myself with all that has been said by my hon. Friend, Mr. Langley, in support of this grant. Ever since 1926, this matter has been coming up in some shape or other. If there is one proposal regarding which the two Ministries which have alternatively been in office can lay claim for credit, it is this proposal. I believe it is Dr. Subbarayan's Ministry when it was in power in 1927 that invited the District Board of Madura to contribute half the cost and said that the Government would be prepared to meet the other half for the purpose of putting this important road in good condition. I lay emphasis on the importance of this work for certain other reasons also, in addition to those mentioned by my hon. Friend Mr. Langley. It is not only important for the planters of the Travancore State, but also important to the villagers in the western part of the Madura district, which is so thickly populated and which is suffering from lack of proper means of communication. The road is in a country which is in the neighbourhood of mountains and subject to very heavy monsoon. This road is very essential both from the point of view of the country cart traffic and that of the bus traffic. The traffic is the heaviest in the district. This road is more useful than even the district portion of the trunk road from Madras to Cape Comorin, because parallel to this trunk road the railway line runs. But this road runs away from the railway line and proceeds into the Travancore State. But for this road, the trade of the country would suffer considerably, and communication will equally suffer. The amount to set right this road has been sanctioned after very many personal inspections by the superior engineers who are concerned and after very careful consideration. I believe Mr. Nachiyappa Gounder will be good enough to withdraw his objection to the grant in view of the need for putting this road in proper condition for the benefit of the people as well as the efficient functioning of the internal trade of the country and of the urgent necessity for the grant."

* The Hon. the Raja of Bobbili:—"Sir, it has been asked why in spite of the objection by the Finance Committee to pass this grant the Government have come forward with this demand. The main point is that this road is the only means of communication in that part of the Madura district with the Travancore State. The Government have received reports to the effect that unless immediate attention is paid to undertake substantial repairs to this road, it may not be safe both for motor vehicles and bullock carts during all seasons. As a matter of fact, owing to the inability of the district board adequately to maintain the road during the last few years—the board is there only in name—it has become impassable for traffic in certain places. This point has been considered by the board of communications and it has received

30th January 1936] [The Raja of Bobbili]

the sanction of the Government of India. I hope the Council would not hesitate to give its support to this grant.

"As regards the second cut motion, I regret to find that my hon. Friend, Mr. Nachiyappa Gounder, without sufficient data or justification, has said that grants are not being distributed impartially. The point is that we always give preference to works on trunk roads. He has gathered some information from the papers which he has read out, and said that particular districts have during the last few years received larger grants than some other districts in the Presidency. It only means that those particular districts have been completely neglected in the past. It does not mean that their works have been given preference.

"Another point my hon. Friend stated was that this road did not find a place in Mr. Vipan's report, and therefore he concludes that the work is not urgent. In fact, these two works have been considered so urgent that Government have decided to take them up separately before the report could be got ready and published, and this work has received the sanction of competent authorities long before the drafting of Mr. Vipan's report was completed. As regards other works, before the end of this meeting of the Council, the Government will place before hon. Members a full and comprehensive report. It is proposed to undertake during the next few years, a definite programme of the works mentioned in Mr. Vipan's report. It cannot be said with any sense of justice that because a particular work in the report which has just seen the light of day has not been sanctioned, no other work should be sanctioned.

"Another point I want to make clear is in regard to the many items about which we received questions from hon. Members of this House. It is asked why in one district a number of works has been sanctioned while in another district only a few works have been sanctioned. The real reason is that the Government are unable to come up before the Council and ask for more grants because in many cases there is no reasonable certainty of the money which is sanctioned being spent expeditiously. They have naturally to give preference to those district boards which come up to Government ready with sanction by competent authority. Therefore, if one district gets more than another, it is because it is more prompt than the other in coming up before the Government with the necessary materials.

"As regards the Vizagapatam district, I do not see why because I happen to be a Minister from that district—my district should be neglected. As a matter of fact, I may state for the information of the hon. Member who raised these questions that most of those items which he has read out to the House are works undertaken in the Vizagapatam district even long before I became Minister. With these words, I hope the Council will unanimously accept the demand."

Mr. K. A. NACHIYAPPA GOUNDER:—"I should like to say a few words."

The Hon. the PRESIDENT:—"There is no right of reply at all. Is the hon. Member going to withdraw his cut motion?"

[30th January 1936

Mr. K. A. Nachiyappa Gounder:—" I have no objection to withdraw the cut motions."

The cut motion was by leave withdrawn.

The Hon. the President:—" The question is—

' *that Government be granted a further sum not exceeding Rs.* 200 *under " Grant XXXI—Civil Works—Grants-in-aid—Transferred ".* ' "

The motion was put and carried and the grant made.

The Hon. the President:—" The House will now adjourn and meet again at 11 a.m. to-morrow."

VI.—PAPERS LAID ON THE TABLE OF THE HOUSE.

[a] † 1 *Notification regarding the bifurcation of North Arcot District Board.*

[b] * 2 *Notification regarding the exemption of certain motor vehicles from payment of tax (G.O. No.* 4583, *L. & M., dated 7th November* 1935).

[c] * 3 *Notification regarding the reduction of motor tax on certain cars belonging to Banganapalle State.*

[d] * 4 *Scheme Report containing the proposals for the resettlement of certain villages in Coonoor and Ootacamund taluks.*

[d] * 5 *Scheme Report for the settlement of certain villages of the Gudem and Golugonda taluks of Vizagapatam district.*

[e] * 6 *List of posts on Rs.* 500 *per mensem and above created during the quarter ending* 30*th September* 1935.

[f] * 7 *Notification regarding supersession of Chirala Municipality.*

[d] * 8 *Scheme Report containing the proposals for the resettlement of the hill villages in the Southern taluks of Salem district.*

[d] * 9 *Report of the Public Accounts Committee on the accounts of* 1933–34.

[g] * 10 *Notification, dated 7th January* 1936, *regarding bifurcation of the Ganjam District Board.*

D. K. V. RAGHAVA VARMA,
Acting Secretary to the Legislative Council.

* Sent by post.
† Laid on the table on 11th November 1935.
[a] Printed as Appendix XV on page 245 infra.
[b] Printed as Appendix XVI on page 246 infra.
[c] Printed as Appendix XVII on page 246 infra.
[d] Printed separately.
[e] Printed as Appendix XVIII on pages 246–247 infra
[f] Printed as Appendix XIX on page 248 infra.
[g] Printed as Appendix XX on page 248 infra.

Appendix I.

[Vide answer to question No. 594 asked by Mr. M. B. Rangaswami Reddi at the meeting of the Legislative Council held on the 30th January 1936, page 135 supra.]

Statement.

Name of officer.	Amount of travelling allowance drawn. RS. A. P.
1 Assistant Director of Public Health (Epidemics)	3,086 8 0
2 Assistant Director of Public Health (Vaccination)	2,264 7 0
3 Assistant Directress of Public Health (Maternity and Child Welfare)	1,498 0 0
4 Assistant Director of Public Health (Vital Statistics)	Post vacant during the year.
5 Assistant Director of Public Health (Professor of Hygiene)	Nil.

Number of places visited.—See below.

Number of places visited.

Districts.	Municipalities.
Assistant Director of Public Health (Epidemics).	
West Godavari, East Godavari, Vizagapatam, Ganjam, Kistna and the Nilgiris.	Vizagapatam.
Tanjore, Tinnevelly, and South Arcot	Berhampur.
South Arcot, Tanjore, Madura, Ganjam, Vizagapatam, and Kistna.	Vizianagram and Bezwada.
Coimbatore, Salem, North Arcot and Chingleput	
Tanjore and South Arcot	Chidambaram and Villupuram.
Vizagapatam, Ganjam, Vizagapatam Agency and East Godavari.	Vizianagram and Cocanada.
Tanjore and South Arcot	
Chingleput and Tanjore	
South Arcot, Trichinopoly, Tanjore, Chingleput and Kistna.	Tanjore, Trichinopoly and Srirangam.
Malabar and Madura	
Tinnevelly, Ramnad and Tanjore	
Nellore and Vizagapatam	Nellore.
North Arcot, Salem and Coimbatore	Vaniyambadi.
Assistant Director of Public Health (Vaccination).	
North Arcot, Kurnool and Guntur	Nandyal.
The Nilgiris	Coonoor.
Cuddapah	Proddatur and Cuddapah.
Ramnad, Tinnevelly and Madura	
Coimbatore and Salem	Coimbatore.
Nellore, Guntur and East Godavari	
Chittoor and North Arcot	
Ganjam, Vizagapatam and East Godavari	
Chingleput, Madura and Trichinopoly	Periyakulam, Palni and Kodaikanal.

[30th January 1936

Districts.	Municipalities.
Assistant Directress of Public Health (Maternity and Child Welfare).	
Chittoor, North Arcot and Chingleput	
Ramnad, Trichinopoly and Coimbatore	Trichinopoly and Coimbatore.
Kistna, West Godavari, East Godavari and Vizagapatam.	Masulipatam, Ellore and Cocanada.
South Arcot and Tanjore	Cuddalore, Chidambaram and Mayavaram.
Coimbatore	
Tanjore	
Kistna and West Godavari	Tirupati.
Trichinopoly, Ramnad, Madura, Coimbatore and Salem.	Coimbatore.

APPENDIX II.

[Vide answer to question No. 598 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 30th January 1936, page 139 supra.]

List of Weavers' Co-operative Societies.

1. The Iyengarkulam Anjaneya Co-operative Society, Chingleput district.
2. Ramasastri Spinners' and Weavers' Co-operative Society, Gudlavalleru, Kistna district.
3. Salem Weavers' Co-operative Society, Ltd., Salem.
4. The Coimbatore Devanga Weavers' Co-operative Society, Coimbatore.
5. Gudur Weavers' Co-operative Society, Kurnool district.
6. Devikapuram Kasba Co-operative Society, North Arcot district.
7. Tanur Weavers' Co-operative Society, Malabar district.
8. Pantalayini Weavers' Co-operative Society, Malabar district.
9. Sri Kovai Weavers' Co-operative Society, Coimbatore.
10. Madura Sourashtra Co-operative Bank, Ltd., Madura.
11. Takkolam Weavers' Co-operative Society, North Arcot district.
12. Pallikonda Weavers' Purchase and Sale Society, Ltd., North Arcot district.
13. Adoni Swakula Sali Co-operative Purchase and Sale Society, Ltd., Bellary district.
14. Karimpuzha Weavers' Co-operative Society, Malabar district.
15. Karukkupettai Weavers' Co-operative Society, Ltd., Chingleput district.

30th January 1936]

APPENDIX III.

[Vide answer to question No. 603 asked by Mr. M. S. Sreshta at the meeting of the Legislative Council held on the 30th January 1936, page 141 supra.]

Serial number and name of municipality.	Name of Commissioner.	Salary. Pay.	Special pay.	Conveyance allowance.
		RS.	RS.	RS.
1 Anantapur ..	B. Lakshmana Pillai, B.A., B.L. ..	125	..	15
2 Hindupur	C. Narasimham, B.A. (Hons.), B.L.	175	..	20
3 Tadpatri	B. Mallappa	200	..	20
4 Gudiyattam ..	V. S. Viraraghavayya, B.A., B.L.	125	..	15
5 Tiruppattur ..	D. Thangiah, B.A.	135	..	15
6 Tiruvannamalai ..	S. N. P. Arumuga Kaviraj, M.A.	130	..	15
7 Vaniyambadi ..	J. I. Arputhanathan, B.A., B.L. ..	155	38¾	15
8 Vellore	K. Ramaswami Mudaliyar ..	175	..	15
9 Walajapet		..	..	..
10 Chidambaram ..	K. Govindarajulu Nayudu, B.A.	150	37½	20
11 Cuddalore	T. Gopala Mudaliyar	220	55	20
12 Villupuram ..	S. Srinivasachari	122	30½	15
13 Adoni	A. Raghava Reddi, B.A.	175	..	20
14 Bellary	B. Audiseshayya Pantulu, B.A. ..	280	50	20
15 Hospet	W. Srinivasa Rao	190	35	15
16 Chingleput ..	Saiyyid Ahmad Sahib	125	..	15
17 Conjeeveram ..	C. P. Madhava Menon, B.A. ..	120	30	15
18 Saidapet	K. Ramalinga Mudaliyar, B.A. ..	125	..	15
19 Chittoor	S. Krishnayya Chetti, B.A., B.L.	125	..	15
20 Tirupati	K. Venkatadri Chowdhari, B.A. ..	125	..	15
21 Coimbatore ..	H. C. M. McLaughin	600	100	40
22 Dharapuram ..	R. Krishnamurti Ayyar, M.A. ..	175	43¾	15
23 Erode	S. Ramadoss Nayudu	155	..	15
24 Pollachi	S. Kuppuswami Mudaliyar ..	125	..	15
25 Tiruppur	R. Maradamuthu Mudaliyar ..	125	..	15
26 Udamalpet ..	T. Damodaran Nayar	125	..	15
27 Cuddapah	A. Varadarajulu, B.A.	125	..	15
28 Proddatur	S. Sitaramayya, B.A., L.T. ..	125	..	15
29 Berhampur ..	C. Vengala Rao, B.A., B.L. ..	175	..	20
30 Chicacole	G. Rangayya Pantulu	100	..	15
31 Parlakimedi ..	Rash Behari Patnaik, B.A., B.ED.	125	..	15
32 Cocanada	C. Chella Rao	250	50	20
33 Peddapuram ..	M. A. Rahman, B.A.	125	..	15
34 Rajahmundry ..		..	..	..
35 Ellore	A. V. Krishna Rao Nayudu ..	205	..	20
36 Palakole		..	..	..
37 Chirala	S. R. Jeparatnam, B.A.	100	25	15
38 Guntur	P. S. Dharmaraja Ayyar, B.A. ..	240	50	20
39 Narasaraopet ..	I. Raja Rao Nayudu	125	..	15
40 Ongole	S. Ankanna	125	..	15
41 Tenali	G. Ratnam, M.A. (Columbia) ..	220	..	20
42 Mangalore	C. R. Karunakara Menon, B.A., B.L.	240	..	20
43 Bezwada	D. Thettravuswami Pillai, B.A. ..	380	50	20
44 Masulipatam ..	D. C. B. Venkata Rao	165	..	20
45 Kurnool	M. S. Jagannayakulu Nayudu, B.A.	135	33¾	15
46 Nandyal	N. R. Sambandam Pillai, B.A. ..	250	..	20
47 Bodinayakkanur ..	T. E. Gomathinayakam Pillai ..	125	..	15
48 Dindigul	S. R. Sellaraj, B.A.	160	40	15
49 Kodaikanal ..	A. Balasubramania Pillai ..	175	..	20
50 Madura	J. P. Lasrado, I.C.S.	700	100	40
51 Palni	V. Venkatachalam Ayyar ..	135	..	15

[30th January 1936

Serial number and name of municipality.	Name of Commissioner.	Salary. Pay.	Salary. Special pay.	Conveyance allowance.
		RS.	RS.	RS.
52 Periyakulam ..	A. R. Lakshmana Ayyar	125	..	15
53 Calicut	S. Ramachandran	170	42½	20
54 Cannanore	M. Narayana Shenoy, B.A., B.L. ..	145	..	15
55 Cochin	P. A. Sankara Menon, B.A. ..	126	..	15
56 Palghat	N. Chinu Nayar, M.A. (Hons.) ..	165	41¼	15
57 Tellicherry ..	R. V. Kamath	125	..	15
58 Nellore	K. Ramachandra Rao	175	..	20
59 Coonoor	F. W. Haughton, M.B.E.	450	..	40
60 Ootacamund ..	Saiyyid Muhammad Nakhuda Sahib, M.A., B.L.	550	100	40
61 Karaikudi	S. Sivaswami Ayyar, B.A. ..	155	38¾	15
62 Sivakasi	K. P. M. Telakat	125	..	15
63 Srivilliputtur ..	K. Narayanaswami, B.A.	125	..	15
64 Virudhunagar ..	A. Krishnaswami Mudaliyar ..	165	41¼	15
65 Salem	R. D. Paul, M.A.	600	100	40
66 Kumbakonam ..	A. S. Ramanatha Ayyar, M.A. ..	320	50	20
67 Mannargudi ..	V. Chendil Velayudha Nadar ..	125	..	15
68 Mayavaram ..	Syed Muhammad Sahib, B.A., Dip. Econ.	155	38¾	20
69 Negapatam ..	K. P. Kandaswami Pillai ..	300	..	20
70 Tanjore	Ghulam Nabi Sahib, B.A. ..	300	50	20
71 Tiruvarur	P. S. Venugopal Nayudu ..	125	..	15
72 Palamcottah ..	M. Minakshisundaram Pillai ..	235	..	20
73 Tinnevelly ..	T. Purushothama Mudaliyar ..	150	37½	20
74 Tuticorin	C. Amrita Ganesa Mudaliyar, B.A.	165	41¼	20
75 Srirangam	V. D. Shanmugha Mudaliyar ..	125	..	15
76 Karur	K. Rajamani, B.A.	125	..	15
77 Trichinopoly ..	K. Rama Varma Raja, B.A. ..	600	100	40
78 Anakapalle ..	S. Appalaswami Nayudu ..	125	..	15
79 Bimlipatam ..	K. Narasimhaswami Pantulu ..	100	..	15
80 Vizagapatam ..	K. Sanyasi Raju, B.A., B.L. ..	400	..	40
81 Vizianagram ..	C. Sangam Babu, B.A.	160	40	15

Appendix IV.

[Vide answer to question No. 604 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 30th January 1936, page 143 supra.]

G.O. Ms. No. 4966, L. & M., dated 2nd December 1935.

Read—the following papers:—

From the Commissioner, Coimbatore Municipality, No. 504, dated 28th September 1935.

Endorsement of the Chairman, dated 2nd October 1935.

Order—Ms. No. 4966, *L. & M., dated 2nd December* 1935.

The Commissioner of the Coimbatore Municipality is informed that the maximum limit of salary and allowances for Commissioners laid down in clause (*a*) of sub-section (6) of section 12-C of the Madras District Municipalities Act, 1920, refers to the pay of the officer and that it does not include the leave and pensionary contribution which

30th January 1936]

the municipal council has to pay in respect of an officer. The payment of transit pay admissible to a Government servant on reversion from foreign service, together with his leave and pensionary contributions is a contingent liability and the section does not prohibit a municipal council from paying the above charges due to an outgoing Commissioner in addition to the expenditure incurred on the incumbent in office.

(By order of the Government, Ministry of Local Self-Government)

T. B. RUSSELL,
Secretary to Government.

To the Commissioner, Coimbatore Municipality (through the Chairman).
,, Revenue Department.
,, Finance Department.
,, Examiner of Local Fund Accounts.

APPENDIX V.

[*Vide* answer to question No. 610 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 30th January 1936, page 146 *supra.*]

G.O. No. 5210, L. & M., dated 13th December 1933.

In view of the fact that co-operative central banks are now holding large surplus funds which they are unable to use on profitable business, the Government have decided that all possible steps should be taken to reduce these surpluses. In modification of G.O. No. 2758, L. & M., dated 14th July 1932, and all previous orders on the subject, the Government direct—

(1) that no local board or municipal council should make any fresh fixed deposit of any of its funds in any co-operative central bank until further orders;

(2) that no local board or municipal council should renew its fixed deposits in these banks except with the previous sanction of the Registrar of Co-operative Societies and at such rate of interest not exceeding the prevailing market rate as may be approved by the Registrar; and

(3) that no local board or municipal council should lodge money in current account with these banks beyond the maximum limit which will be laid down for it by the Registrar.

2. If co-operative central banks offer to repay fixed deposits before maturity, the local bodies concerned are advised to receive them without loss of interest accruing up to the date of repayment.

3. Local boards and municipal councils may, without reference to Government, invest in the 20-year debentures of the Madras Co-operative Central Land Mortgage Bank, Limited, portions of their provident fund not exceeding in the aggregate one-sixth of the total amount at

[30th January 1936

the credit of the fund, as already directed in paragraph 1 of G.O. No. 219, L. & M., dated 17th January 1933. They may invest all other surplus funds in the Imperial Bank of India and in terminable Government securities.

(By order of the Government, Ministry of Local Self-Government)

E. CONRAN SMITH,
Secretary to Government.

To all Presidents of District Boards.
,, all Presidents of Taluk Boards with copies for major panchayats.
,, all Chairmen of Municipal Councils.
,, all Collectors.
,, the Inspector of Municipal Councils and Local Boards.
,, the Registrar of Co-operative Societies (through Development Department).
,, the Examiner of Local Fund Accounts.
,, the Revenue Department.
,, the Finance Department.
,, the Development Department.

APPENDIX VI.

[Vide answer to question No. 621 asked by Mr. M. B. Rangaswami Reddi at the meeting of the Legislative Council held on the 30th January 1936, page 152 supra.]

An extract of paragraph III (iii) of the G.O. No. 773, *Revenue, dated the 2nd May* 1933.

Contribution from ryots—Paragraph 73 *of the report.*—The Government accept Mr. Leach's suggestions. The Board of Revenue is requested to issue instructions to Collectors to bear in mind the possibility of demanding contributions from ryots towards the cost of repairs in cases of the kind referred to by Mr. Leach.

An extract of paragraph 73 *of Mr. Leach's report.*—It is in the last of these three ways that the burden on the State might possibly be lessened by casting a part of it upon the ryots. In some districts, such as Chittoor and North Arcot, it is not uncommon for the Collector to require the ryots to pay a contribution towards repairs; in others this is very rare. There was at one time a rule that an estimate for repairs should not exceed a certain number of years' revenue under the tank; in such cases unless the ryots contributed to the cost the repairs were not done. The rule was a bad one and I do not suggest its revival. Nor do I suggest any hard and fast rule, such as that of the one-fourth contribution in Mysore. But there are cases where the demanding of a contribution is not unreasonable; for instance when it is proposed to repair a sluice which does not drain the tank properly, so that the ryots have to bale water from the bed into the sluice when supplies are low, it is reasonable that they should make some contribution to a re-arrangement of the sluice that will save them that trouble. Or when an earth bund is faced with a stone revetment, so that the labour under kudimaramat on maintaining the bund in good order is diminished

30th January 1936]

and the danger of a breach is insured against, this is a legitimate ground for a contribution. Others arise when a pakka arrangement is made for draining water into a river channel in place of korambus and open head: or when the cost of repairing a tank is so high in proportion to the revenue derived from it that the Collector might properly hesitate to incur it unless the ryots show by a contribution that they are so desirous of having the repairs done that they are willing to pay for them.

I am aware that the business of obtaining payment from ryots is troublesome and slow. But no great harm will come of a year's delay in cases of the kind suggested, and meanwhile, especially if there is less money to spend in future on minor irrigation works, there will be other works on which the grant can be fully spent. And it appears to be a sound method of retrenchment to relieve the State in some cases of some portion of the burden, which it has perhaps too generously assumed, by requiring the ryots to take their share.

APPENDIX VII.

[Vide answer to question No. 622 asked by Mr. U. C. Subrahmanya Bhatt at the meeting of the Legislative Council held on the 30th January 1936, page 153 supra.]

(1)

Statement relating to candidates selected for appointment as clerks in the Madras Ministerial Service.

Serial number and name of district.	Particulars relating to		
	Number selected, 1931.	Number selected, 1932.	Number selected 1934.
1 Ganjam ..	41	10	26
2 Vizagapatam ..	60	17	10
3 East Godavari ..	47	9	20
4 West Godavari ..	37	5	8
5 Kistna ..	38	9	10
6 Guntur ..	51	16	19
7 Bellary ..	55	14	16
8 Kurnool ..	43	23	15
9 Anantapur ..	42	7	8
10 Cuddapah ..	33	6	5
11 Chittoor ..	49	7	16
12 Nellore ..	49	17	22
13 Chingleput ..	66	20	20
14 North Arcot ..	68	17	18
15 South Arcot ..	50	14	12
16 Salem ..	76	18	31
17 Tanjore ..	100	49	8
18 Trichinopoly ..	63	32	17
19 Madura ..	61	29	15
20 Ramnad ..	58	25	12
21 Tinnevelly ..	65	17	23
22 Coimbatore ..	87	15	20
23 The Nilgiris ..	40	6	6
24 Malabar ..	182	26	2
25 South Kanara ..	51	38	10
Total ..	1,512	446	369

[30th January 1936

(2)

Statement relating to candidates selected for appointment as typists and steno-typists in the Madras Ministerial Service.

Serial number and name of district.	Particulars relating to		
	Number selected, 1931.	Number selected, 1932.	Number selected, 1933.
1 Ganjam ..	1	1	2
2 Vizagapatam ..	5	3	5
3 East Godavari ..	6	3	..
4 West Godavari..	5	2	2
5 Kistna ..	4	3	3
6 Guntur ..	6	6	3
7 Bellary ..	1	3	3
8 Kurnool ..	5	3	4
9 Anantapur ..	3	2	2
10 Cuddapah ..	3	1	1
11 Chittoor ..	4	2	1
12 Nellore ..	4	..	2
13 Chingleput ..	5	1	4
14 North Arcot ..	4	3	2
15 South Arcot ..	5	2	1
16 Salem ..	3	3	6
17 Tanjore ..	7	10	2
18 Trichinopoly ..	7	6	3
19 Madura ..	5	3	4
20 Ramnad ..	8	5	..
21 Tinnevelly ..	5	3	2
22 Coimbatore ..	6	3	4
23 The Nilgiris ..	4	6	1
24 Malabar ..	5	8	6
25 South Kanara ..	3	2	..
Total ..	114	84	63

Appendix VIII.

[Vide answer to question No. 634 asked by Mrs. A. Rukmani Lakshmipathi at the meeting of the Legislative Council held on the 30th January 1936, page 165 supra.]

G.O. Ms. No. 266, Development, dated 19th February 1935.

The Government agree with the Board of Revenue that, of the entire extent of the Kudiramoliteri reserve disafforested in 1924, an area of 350 acres should be set apart for the common use of the villagers and that the remaining area should be again reserved. In view, however, of the difficulties of the villagers in obtaining grazing for their cattle, the Government are pleased to accept the Board's recommendation that as an experiment the area may be thrown open to grazing for two to two months and a half during the monsoon season. The villagers should be distinctly warned that, if the concession is abused and damage is caused to the growth in the forest, it will be withdrawn.

* * *

(By order of the Governor in Council)

C. A. Henderson,
Secretary to Government.

To the Board of Revenue (Land Revenue and Settlement).
,, Chief Conservator of Forests (with enclosure).

30th January 1936]

APPENDIX IX.

[Vide item IV on page 167 supra.]

EXPLANATORY NOTE.

Demands for excess grants for the year 1933–34.

(A)

EXCESS UNDER GRANT X—SECRETARIAT AND HEADQUARTERS ESTABLISHMENTS—RESERVED.

	RS.
Final grant	2,29,07,900
Actuals	2,29,09,937
Excess ...	2,037

The excess was less than ·01 per cent of the final grant and was the net result of excesses and savings under the various sub-heads in the grant.

The excess over the final modified appropriation occurred mainly under the following heads:—

Sub-head. (1)	Excess. (2) RS.	Reasons for the excess. (3)
22. General Administration—		
District Administration—		
m. General Establishments—		
A. Collectors and Magistrates—		
2. Pay of Establishments ..	6,597	Savings anticipated on the basis of actuals up to nine months did not materialize owing to changes in personnel and grant of leave.
3. Allowances and Honoraria ..	4,164	Excess occurs under travelling allowance due to transfers and more extensive touring.
D. Treasury establishments—		
2. Pay of establishments ..	11,173	Due to changes in personnel and grant of leave.
n. Subdivisional establishments—		
A. Pay of officers	2,791	The excess could not be foreseen.
B. Pay of establishments ..	2,778	Due to changes in personnel and grant of leave.
o. Other establishments—		
A. Taluk establishments—		
1. Pay of establishment ..	20,361	(Due to changes in personnel and grant of leave.)
2. Allowances	10,656	Occurs under travelling allowance which is of a fluctuating character.
5. Contingencies	4,430	Mainly under service postage and telegrams which could not be foreseen.

[30th January 1936

These and other excesses of less amounts were covered by savings under other sub-heads except to the extent of Rs. 2,037 or ·009 per cent for which an excess grant is required.

The Public Accounts Committee has recommended that the demand for the excess grant be moved in the Legislative Council.

(B)

EXCESS UNDER GRANT XXXIII—PENSIONS—RESERVED.

	RS.
Final grant	64,00,800
Actuals	65,18,669
Excess ...	1,17,869

The excess is 1·9 per cent of the grant. It was the net result of excesses and savings which occurred mainly under the following sub-heads of the grant:—

Sub-heads of appropriation.	Excess (+) or Saving (—). RS.
(1) Superannuation and retired allowances—Payments to Madras Government pensioners	— 14,506
(2) *Deduct*—Amount on account of commercial departments	— 14,189
(3) Commuted value of pensions—Payments to other Governments	+ 96,473
(4) *Deduct*—Commuted value of pensions recovered from other Governments	— 73,281

It will be observed that the excesses occurred under items (3) and (4) above.

The reasons for the excesses are briefly as follows:—

Item (3).—The original estimate and the modified appropriation were based on the figures reported by the Accountant-General. The excess expenditure is due chiefly to the capitalized value of the Provincial share of Central pensions paid in Central treasuries being more than anticipated. The excess expenditure could not be foreseen owing to the fluctuating nature of the transaction accounted for under this sub-head.

Item (4).—The recoveries from other Governments on account of the commuted value of the Central Government share of pensions paid in Provincial treasuries are shown under this sub-head and they are adjusted periodically by the Accountant-General. There are no reliable data for fixing the estimates. The Accountant-General who was consulted in the matter was not sure of the estimate framed by him. The modified appropriation was fixed with reference to the actuals of 1932–33. The actual recoveries were less than anticipated. Hence the variation in the actual minus expenditure under this head. This could not be foreseen.

The Public Accounts Committee has recommended that the demand for the above excess grant be moved in the Legislative Council.

8th *January* 1936. G. T. H. BRACKEN.

30th January 1936]

APPENDIX X.

[Vide item V (1) on page 170 supra.]

EXPLANATORY NOTE.

(1) PAYMENT OF TRAVELLING ALLOWANCE TO THE MEMBERS OF A COMMITTEE TO BE APPOINTED TO EVOLVE AN AGREED SCHEME FOR ENLARGING THE SCOPE OF THE HINDU RELIGIOUS ENDOWMENTS ACT SO AS TO INCLUDE MUSLIM ENDOWMENTS ALSO.

Grant number.	Head of account.	Item of expenditure.	Amount of supplementary grant required in 1935-36.
(1)	(2)	(3)	(4)
			RS.
XI. Ministers—Civil Secretariats and Miscellaneous—Transferred.	22. V. General Administration—Ministers, Civil Secretariats and Miscellaneous—Transferred—Civil Secretariats—Local Self-Government Department—Other charges.	Travelling allowance for members of a Committee to be appointed.	1,200

Explanatory note.

The Government have had under their consideration the question of undertaking legislation for the better administration and control of Wakf properties. Two private Bills on the subject have been introduced in the Legislative Council. These provide for the constitution of a separate Board for Wakf properties on the lines of the Board constituted under the Madras Hindu Religious Endowments Act, 1926. Complete information in regard to the extent of the Wakf properties in the Presidency and their annual income is not available, but from the information so far available and the past experience in regard to the working of the Madras Hindu Religious Endowments Act, the Government are inclined to think that the income from contributions levied from Wakf properties will not be sufficient to meet the expenditure involved in the creation of a separate Board of Commissioners for Muslim endowments. In their view the most practical solution of the problem would be to constitute a single Board to supervise the administration of both Hindu and Muhammadan religious endowments and they understand that this proposal has the support of the Muslim members of the Legislative Council. In order to examine the proposal in detail and to evolve an agreed scheme for enlarging the scope of the Hindu Religious Endowments Act so as to include Muslim endowments also, the Government have decided to appoint a Committee.

[30th January 1936

consisting of members of both the Hindu and Muhammadan communities as shown below:—

M.R.Ry. A. Ranganatha Mudaliyar, M.L.C.
Khan Bahadur Yahya Ali Sahib Bahadur, M.L.C.
Mr. Basheer Ahmed Sayeed, M.L.C.
S. M. K. Beyabani Sahib Bahadur, M.L.C.
Khan Bahadur Mahmud Schamnad Sahib Bahadur, M.L.C.
M.R.Ry. A. Kondappa Garu, President, Hindu Religious Endowments Board.
Diwan Bahadur P. Narayana Rao Nayudu Garu, retired District Judge.
Rao Bahadur R. Subbayya Nayudu, Joint Secretary to Government, Local Self-Government Department.

It was not possible to foresee the constitution of this Committee when the budget estimate for 1935–36 was framed and no provision has therefore been made in the Civil Budget Estimate for expenditure on the payment of travelling allowance to the members of the Committee. It is not possible to meet the expenditure from the existing budget provision. As this expenditure should be treated as one on a *New service* and the Committee can be appointed only after necessary funds are voted by the Legislative Council, it is proposed to move a demand for a supplementary grant of Rs. 1,200 under 'Grant XI. Ministers, Civil Secretariats and Miscellaneous—Transferred' to cover the anticipated expenditure in the current year.

APPENDIX XI.

[Vide item V (2) and (3) on pages 176 and 182 supra.]

EXPLANATORY NOTE.

(2) & (4) EMPLOYMENT OF ADDITIONAL STAFF IN THE OFFICES OF THE SANITARY ENGINEER AND THE CHIEF ENGINEER FOR ELECTRICITY FOR WORK CONNECTED WITH THE CONTROL OF THE PROPOSED SERVICES OF MUNICIPAL AND ELECTRICAL ENGINEERS.

Grant number. (1)	Head of account. (2)	Item of expenditure. (3)	Amount of supplementary grant required in 1935–36. (4)
			RS.
XVI. Electricity—Reserved.	30. R. a. Scientific Departments—Hydro-Electric Survey — Reserved —B. Pay of Establishments—Voted.	One upper division clerk on Rs. 55—70 *plus* Presidency allowance.	100
XX. Public Health—Transferred.	33. a. ublic Health Establishments—Transferred— C. Sanitary and Deputy Sanitary Engineers —2. Pay of Establishments —Voted.	One upper division clerk on Rs. 55—70 *plus* Presidency allowance. One lower division clerk on Rs. 30—55 *plus* Presidency allowance.	100

30th January 1936]

Explanatory note

The Government have had under consideration the question of improving and revising the existing arrangement under which Municipal Engineers and Electrical Engineers are appointed by Municipal Councils. These appointments are now treated as isolated posts not included in any regular service. In the interests of the efficient administration of the Engineering and Electrical Departments of Municipal Councils, the Government propose to constitute these officers into two regular services, to be named the Madras Municipal Engineering Service and the Madras Local Authorities Electrical Engineers Service. The cost of the services will be met entirely by the Municipal Councils concerned. The two services will be placed under the control of the Sanitary Engineer and the Chief Engineer for Electricity respectively. For dealing with the additional work involved in their offices the Sanitary Engineer and Chief Engineer for Electricity have asked for the following additional staff:—

Sanitary Engineer.

One clerk on Rs. 70—5/2—85—7½/2—100 *plus* Madras House Allowance.

One clerk on Rs. 30—3/2—45—2/2—55 *plus* Presidency Allowance.

Chief Engineer for Electricity.

One Assistant Engineer (Electrical) on Rs. 200—500.

Two Upper Division clerks on Rs. 55—70 *plus* Presidency Allowance of Rs. 6½.

One Lower Division clerk on Rs. 30—55 *plus* Presidency Allowance of Rs. 6½.

One typist on Rs. 30—55 *plus* Presidency Allowance of Rs. 6½.

Three peons on Rs. 12—17 *plus* Presidency Allowance of Rs. 2½.

The Government after a careful consideration of the necessity for the employment of the above staff propose to sanction the staff specified below temporarily for a period of two years:—

Office of the Sanitary Engineer.

One Upper Division clerk (Rs. 55—70 *plus* Presidency Allowance of Rs. 6½).

One Lower Division clerk (Rs. 30—55 *plus* Presidency Allowance of Rs. 6½).

Office of the Chief Engineer for Electricity.

One Upper Division clerk Rs. 55—70 *plus* Presidency Allowance of Rs. 6½).

As the expenditure should be treated as one on a *New service*, it is proposed to move demands for supplementary grants for token sums of Rs. 100 each under "Grant XVI—Electricity" and under "Grant XX—Public Health" respectively. The small expenditure anticipated in the current year will be met from the sanctioned appropriations under the respective grants.

[30th January 1936

Appendix XII.

[Vide item V (4) on page 183 supra.]

Employment of Additional Staff in the Medical College, Vizagapatam, and the King George Hospital, Vizagapatam.

Grant number.	Head of account.	Item of expenditure.	Amount of supplementary grant required in 1935-36.
(1)	(2)	(3)	(4)
			RS.
XIX, Medical—Reserved and Transferred.	32. c. Medical—Medical Colleges and Schools—A. Medical Colleges— 1. Pay of officers—Voted—Temporary.	One Curator in Pathology (Rs. 220—30/2—340). Four Tutors, Clinical (Rupees 200—25/2—300)— 1. Medical Registrar and Tutor. 2. Surgical Registrar and Tutor. 3. Assistant to Anæsthetist. 4. Assistant to the Lecturer in Ear, Nose and Throat diseases.	100
	2. Pay of establishments—Voted—Temporary—	Two demonstrators (Medical) Rs. 95 each (for Anatomy and Physiology departments). Two demonstrators (Non-Medical) Rs. 55 each for Physics and Chemistry. Two laboratory attendants (Rs. 19—2/2—25—1/2—30) (for Chemistry and Biology departments).	

Explanatory note.

The medical degrees of the Andhra University have not yet been recognized by the British Medical Association and by the Medical Council of India. About the end of last year, the Medical Council of India deputed their Inspectors, to inspect and report about the nature of the medical instruction and the examinations conducted in the Vizagapatam Medical College, with a view to decide about the recognition of the medical degrees conferred by the Andhra University. The Inspecting Officers completed their inspection and submitted their report to the Medical Council of India. The Medical Council has decided to refuse recognition of the Vizagapatam Medical College for one year and to consider the matter then, only if the Andhra University provided sufficient evidence of having put their house in order. The Director-General, I.M.S., has stated that the Council cannot be expected

30th January 1936]

to give any assurance on the subject of recognition and that they can only take up the position that recognition will be accorded when the demands made by them have been fulfilled.

2. The report of the Inspecting Officers shows that there are certain essential defects and deficiencies in the staff, buildings, etc., of the Vizagapatam Medical College and the King George Hospital which should be corrected if this Medical College and Hospital are to work satisfactorily. To remedy the defects pointed out by the Inspectors, the Surgeon-General, in consultation with the authorities of the Andhra University, has submitted a programme of improvements to the College and the Hospital. The ultimate approximate cost likely to be involved in giving effect to the complete scheme is estimated to be as under:—

Non-recurring—Over Rs. 16 lakhs.

Recurring—Rs. 1·50 lakhs per annum.

The Government have after careful consideration decided that the Vizagapatam Medical College should be retained and that the Surgeon-General's programme of improvements be generally accepted subject to detailed examination.

3. The Surgeon-General has now submitted proposals for additional staff to be employed immediately as part of the scheme of improvements generally accepted by Government. The additional staff now asked for is as follows:—

Department.	Staff proposed by the Surgeon-General.	Scale of pay.
		RS.
Physics	One demonstrator (non-medical) ..	55
Chemistry	Do. ..	55
	One laboratory attendant	19—2/2—25—1/2—30
Biology	One demonstrator (non-medical) ..	55
	One laboratory attendant	19—2/2—25—1/2—30
Anatomy	One demonstrator (medical)	95
Physiology	Do.	95
Pathology	One Curator (grade of non-clinical Tutor or Assistant).	220—30/2—340
Medicine	One Medical Registrar and Tutor (grade of clinical Tutor or Assistant).	200—25/2—300
Surgery	One Surgical Registrar and Tutor (grade of clinical Tutor or Assistant).	200—25/2—300
	One Assistant Anæsthetist (grade of clinical Tutor).	200—25/2—300
Ear, Nose and Throat.	One Assistant to Lecturer (grade of clinical Tutor or Assistant).	200—25/2—300

The Government have carefully scrutinized the Surgeon-General's proposals. They do not consider that the additional non-medical demonstrator on Rs. 55 per mensem proposed for the Biology Department is necessary at present. The rest of the staff is necessary. It is proposed to sanction the additional staff from 1st February 1936 on a

[30th January 1936

temporary basis for one year to begin with. The expenditure during the current year is estimated at Rs. 1,400 while the ultimate cost for one full year will be Rs. 20,300. It is proposed to move a demand for a supplementary grant for a token sum of Rs. 100 under "Grant XIX—Medical—Reserved and Transferred" and to meet the balance of Rs. 1,300 from savings resumed and held under the grant.

The proposal was not recommended by the Finance Committee at its meeting held on the 6th January 1936. The Government have, however, decided to move the demand for supplementary grant in the Legislative Council.

Appendix XIII.

[Vide item V (5) on page 208 supra.]

(5) (*a*) Acquisition of a Bungalow and Improvements thereto for use as residence by the Collector of South Kanara.

Grant number.	Head of account.	Item of expenditure.	Amount of supplementary grant required in 1935–36.
(1)	(2)	(3)	(4)
			RS.
XXIX. Civil Works—Works—Reserved and Transferred.	41. a. Civil Works—Transferred—Original Works—Buildings—F. General Administration.	Acquisition of a bungalow with compound in Mangalore for use as residence for the Collector of South Kanara and improvements to the building.	100

Explanatory note.

The Collector of South Kanara has not been provided with a Government bungalow for his residence. He is living in a private bungalow at Mangalore which has been in the occupation of successive Collectors for a very long time. It is a comfortable and sufficiently commodious bungalow in an excellent, elevated and airy situation. The property is owned by three or four persons. Attempts were made in the past to have the building put in proper repair so that the Government might take a long lease of it for use as the Collector's residence; but owing to the divided ownership of the property and persistent litigation among the several owners no settlement could be reached. A proposal to acquire the bungalow at present occupied by the Collector with a compound of 11·30 acres and the tree growth thereon at an estimated cost of Rs. 79,000 as detailed below, was therefore placed before the Finance Committee in 1929 as a Part II Scheme for 1929–30:—

	RS.
Acquisition of the bungalow with a compound of 11·30 acres and the tree growth thereon ...	55,000
Repairs	24,100
Total ...	79,100

[30th January 1936

The Committee, however, did not recommend the scheme for adoption as it considered that the cost of acquisition was too great, that it was not worth while spending so much money on an old bungalow that would be a perpetual source of expense and that it would be better to build a new bungalow instead. It has since been reported by the Executive Enginer, West Coast Division, that the foundations and masonry are perfectly sound and the roof timbers were also renewed a few years ago.

Recently the Collector of South Kanara brought to the notice of the Government that a suit has been filed against him by a person, who has obtained an interest in a share of the property belonging to one of the owners of it, for the recovery of arrears of rent which the Collector had already paid as usual to the person owning the share in question. It is unsatisfactory for the Collector of a district to be at the mercy of private landlords and the Government consider that it is essential that he should be provided with Government quarters. There is no other suitable bungalow at Mangalore which could be taken on lease for the residence of the Collector and the question of acquiring the bungalow now occupied by him under the Land Acquisition Act was therefore reconsidered.

It is now estimated that the cost of acquiring the bungalow with its compound of 23·99 acres and the tree growth thereon and putting it in proper repair will be Rs. 48,557, as shown below:—

	RS.
Capitalized rent (10 months at Rs. 160 × 20) ...	32,000
Value of trees in compound	2,000
Add 15 per cent for compulsory acquisition ...	5,100
Add cost of 1935 veranda renewal	2,027
Add cost of lead-in electric wires to house paid by the Collector personally	220
	41,347
Repairs	7,210
Total ...	48,557

The decrease in the present estimate as compared with that made in 1929 is due to the fact that the land has not been separately valued and the cost of acquisition has been calculated at the rental value capitalized at 20 years purchase, since the rent paid by the tenant gives him the user of the bungalow and the whole of the compound.

It is accordingly proposed to divert for the purpose of acquiring the bungalow with its compound a sum of Rs. 41,340 from the provision made in the Civil Budget Estimate for the current year under the above head of account and to move a demand for a supplementary grant for a token sum of Rs. 100 under "Grant XXIX—Civil Works—Works—Reserved and Transferred."

TRUTH ALONE TRIUMPHS

30th January 1936]

(5) (*b*) PURCHASE OF THE OLD MUNICIPAL HOSPITAL BUILDINGS AND SITE, COIMBATORE.

Grant number. (1)	Head of account. (2)	Item of expenditure. (3)	Amount of supplementary grant required in 1935-36. (4)
			RS.
XXIX—Civil works—Works —Reserved and Transferred.	41. a. Civil Works—Transferred—Original works —Buildings—R. Civil works.	Purchase of the old Municipal Hospital buildings and site, Coimbatore.	100

Explanatory note.

In 1872, the old hospital buildings at Coimbatore were transferred together with the site to the Municipal Commissioners of that town. When the new hospital buildings were constructed, the Municipality arranged for the sale of the old buildings but the Government ordered the Collector in 1910 to take charge of the property, as it was only held in trust by the Municipal Council and it was right that it should revert to Government on its ceasing to be used for hospital purposes. In 1911, the Government ordered the Collector to hand over the buildings and the site to the Education department for the location of the offices of that department. The Municipal Council then represented that a portion of the site was purchased by the Council and five of the buildings were constructed by it and that certain improvements to the old buildings had been carried out by it and requested to be compensated on that account. The claim was examined and the Council was informed that as the expenditure was met not out of municipal funds but out of an endowment, of which it was only the trustee and which subsequently ceased to exist, it could not reasonably claim compensation. The Council then stated that as it was the trustee of the funded capital referred to, the Government should hand back the buildings to it to be used for public purposes. The question was examined thoroughly and the conclusion arrived at was that as regards the additional site and buildings the Government had no claim to resumption, but that as regards the old site and buildings they had a valid claim. In the circumstances it was decided to come to an understanding with the Municipal Council and with its consent, the Government alienated the whole property to the Coimbatore College Committee to be used for the purposes of the College and for a hostel subject to the condition among others that the Government could resume the buildings and site in the event of their being put to use for other than the purposes of the College. The College was taken over by Government in 1919 with all its assets and liabilities as they stood on 9th June 1919.

In 1930 the medical school at Coimbatore was closed and the Government ordered that the buildings newly constructed for the school should be utilized by the Arts College. The old hospital buildings which were occupied by the Arts College thus fell vacant and these buildings were utilized as Government offices.

[30th January 1936

The Municipality has now claimed possession of the site and buildings on the ground that they have ceased to be used for the purposes of the College and has issued a suit notice claiming possession. As there was some substance in part of the claim made by the Municipality and as the case for the Government for part of the property was weak, it was decided to explore the possibility of a compromise with the Council. After some correspondence it was finally decided to acquire the property by paying to the Municipal Council the value of the buildings it had constructed subsequent to the transfer in 1872 of the main building.

The Chief Engineer was asked to submit a valuation statement of the buildings put up by the Municipality. He reported that besides the main central building there are at present only three other buildings which were built by the Municipality on land acquired by that body and that their present value after allowing for depreciation and including the value of the site might be put at Rs. 20,775. The Municipality however claimed Rs. 35,000. It was considered that the best solution was not to insist on the Chief Engineer's valuation but to buy out the Council by offering a compromise price of Rs. 27,500 in full and final settlement of all its claims. The Municipal Council was accordingly addressed, and it has accepted the offer made.

It is proposed to meet the amount from the savings available in the current year under the head "41. a. Civil Works—Provincial—Transferred—R. Civil Works," and to move a demand for a supplementary grant for a token sum of Rs. 100 under "Grant XXIX—Civil Works—Works—Reserved and Transferred."

(5) (c) Additions and Alterations to the Government House, Guindy.

Grant number.	Head of account.	Item of expenditure.	Amount of supplementary grant required in 1935-36.
(1)	(2)	(3)	(4)
			RS.
XIX—Civil Works—Works—Reserved and Transferred.	60. Civil Works—Not charged to Revenue—Reserved—Residences of Governor—Original Works—Buildings—General Administration.	Government House, Guindy—Additions and alterations.	100

Explanatory note.

The Madras Government have decided that the Government House at Madras should be retained as the permanent residence of His Excellency the Governor of Madras and that at Guindy, as his weekend residence. The Government House at Guindy is too large and

30th January 1936]

straggling to suit the purpose for which it is intended. It consists of three large blocks connected together on each of the two floors by long passages and constructed at different ground levels. In spite of its size it provides accommodation for a very small number but requires a large number of servants to run it. This is due to the unnecessarily large area covered by the house and to the disjointed manner of its construction. The living rooms are of inconvenient size; some are too large while others are too small. It is therefore proposed to carry out certain additions and alterations at an estimated cost of Rs. 1,00,000 so as to make the house a small and economical week-end residence.

2. In 1930 an expenditure of Rs. 1 lakh was sanctioned by the Secretary of State for sanitary installation, drainage arrangements, etc., in Government House, Guindy. The expenditure has not been incurred as it was considered later that the scheme would be uneconomical in view of the condition of the house.

3. After the improvements have been carried out it is proposed to utilize some of the existing buildings as residences for Government officers.

4. As the Government desire that the improvements to the Guindy Government House should be carried out without delay, it is proposed to move a demand for a supplementary grant for a token sum of Rs. 100 so that the work may be started in the current year. Any additional funds found necessary in the current year will be found by reappropriation within "Grant XXIX." Provision for necessary funds in 1936–37 will be made in the Budget Estimate for that year.

5. The sanction of the Secretary of State has been obtained to the proposed additions and alterations to the Government House at Guindy.

6. The proposed expenditure on improvements to the Government House, Guindy, is attributable to 'Reforms' and it is legitimately debitable to 'Capital,' along with the other items of expenditure of a similar nature necessitated by the inauguration of the Reforms, all of which combined are estimated to cost over Rs. 5 lakhs. It is accordingly proposed to debit the expenditure in this case to the head '60. Civil Works—Not charged to Revenue—General Administration,' and to move a demand for a supplementary grant for a token sum of Rs. 100 under "Grant XXIX—Civil Works—Works—Reserved and Transferred."

[30th January 1936

Appendix XIV.

[Vide item V (6) on page 215 supra.]

(6) (a) Special repairs to the road from Kodaikanal Road Station to Kuruvanath in the Madura District.

Grant number. (1)	Head of account. (2)	Item of expenditure. (3)	Amount of supplementary grant required in 1935-36. (4)
			RS.
XXXI.—Civil Works —Grants-in-aid — Transferred.	41. Civil Works—Transferred—Grants-in-aid—g. G. Central Road Development Account—Communications.	Special repairs to the road from Kodaikanal road station to Kuruvanath.	100

Explanatory note.

The second-class road from the Kodaikanal road station to Kuruvanath via Periyakulam and Theni in the Madura district (about 70 miles in length) carries very heavy through traffic from and to Travancore including much of the estate produce of the Travancore planters. It is also the direct means of reaching the head works of Periyar. The road is reported by the Superintending Engineer to be in a very bad condition. The Government have also received complaints on the subject from the United Planters' Association of Southern India. The President, District Board, Madura, considers that special repairs to the entire stretch of the road should be carried out urgently. The cost of the work is estimated at Rs. 2,12,500. The expenditure is beyond the means of the Madura District Board and it is therefore proposed that it should be met from Road Development Fund. The South Indian Railway which was consulted in the matter has no objection to the proposal. The Provincial Board of Communications before which the matter was placed also approved of the proposal on the understanding that measures should be taken to see that the road does not again deteriorate for want of proper maintenance, the intention being that the District Board should be asked to give an assurance that it will maintain the road properly in future. The District Board which was consulted in the matter has given the necessary assurance. The Government of India have sanctioned the debit of the cost of the special repairs of the road in question to this Government's share in the Road Development Account. In view of the urgency of the work it is proposed to start the work in the current year itself. The amount required in the current year for the purpose is Rs. 30,000. There is however no provision for the work in the budget for this year. It is proposed to meet the amount (Rs. 30,000) from the savings out of the current year's allotments for other road and bridge works financed from the Road Development Fund and to move a demand for a supplementary grant for a token sum of Rs. 100 under "Grant XXXI—Civil Works—Grants-in-aid—Transferred."

30th January 1936]

The proposal was not recommended by the Finance Committee at its meeting held on the 6th January 1936. The Government have, however, decided to move the demand for supplementary grant in the Legislative Council.

(6) (*b*) DIVERSION OF THE GREAT NORTHERN TRUNK ROAD VIA VIZIANAGRAM, NELLIMERLA AND JAGANNADHARAJUPURAM IN THE VIZAGAPATAM DISTRICT.

Grant number.	Head of account.	Item of expenditure.	Amount of supplementary grant required in 1935-36.
(1)	(2)	(3)	(4)
			RS.
XXXI—Civil Works—Grants-in-aid—Transferred.	41. g. Civil Works—Transferred—Grants-in-aid— (1) G. General Road Development Account—Communications.	Diverson of the Great Northern Trunk Road via Vizianagram, Nellimerla and Jagannadharajupuram in the Vizagapatam district.	100
	(2) A. Grants to local bodies for trunk roads.	Increased maintenance grant on account of the above diversion.	

Explanatory note.

With a grant from the Road Development Fund, the Vizagapatam District Board undertook the construction of a bridge across the Champavathi river near Nathavalasa at mile 88/4-5 of the Great Northern Trunk Road at an estimated cost of Rs. 4·42 lakhs. When the bridge was nearing completion it was washed away by floods on the 14th October 1931. In connexion with the question of reconstructing the bridge a suggestion was made that the section of the trunk road lying between Modavalasa and Jagannadharajupuram might be diverted and taken along the Bimlipatam-Vizianagram road to Vizianagram and thence to Nellimerla and Jagannadharajupuram. The alignment of the trunk road as suggested will benefit the heavy traffic now passing through Vizianagram and at the same time obviate the necessity for a new bridge at Nathavalasa. Another advantage of the new route is that it will connect the Great Northern Trunk Road with the Vizianagram-Central Provinces Road. It will, however, be necessary to construct bridges or road dams at Nellimerla and at other unbridged crossings on the road from Nellimerla to Jagannadharajupuram. The diversion proposed will increase the length of the trunk road by ten miles and one furlong and will involve a recurring additional expenditure from Provincial Funds of Rs. 5,770 per annum on maintenance. The payment of this additional maintenance grant will, however, commence only after the work is completed. The Road Committee of the Vizagapatam District Board and the Collector of Vizagapatam are in favour of the adoption of the new route suggested above. The Provincial Board of Communications before which the proposal was placed has approved of the proposal and the Government of India have also sanctioned the debit of the expenditure

[30th January 1936

involved (Rs. 3,75,000 as originally estimated) to the Road Development Account. The total cost as now estimated is Rs. 5,22,000 as shown below:—

Items.	RS.
(i) Construction of a bridge across the Champavathi river near Nellimerla	4,62,000
(ii) Construction of a bridge across the Kondavalasagedda	25,000
(iii) Construction of a bridge across the Palavalasagedda	15,000
(iv) Improvements to existing culverts and construction of new culverts	10,000
(v) Widening and realigning the existing Nellimerla-Ranasthalam Road ...	10,000
Total ...	5,22,000

There is, however, no specific provision for the work in the current year's budget. It is proposed to start the work in the current year itself and to meet the expenditure from the savings in the allotments for this year for other road and bridge works from the Road Development Fund by moving a demand for a supplementary grant for a token sum of Rs. 100 under "Grant XXXI—Civil Works—Grants-in-aid—Transferred."

APPENDIX XV.

[Vide item VI (1) on page 222 supra.]

NOTIFICATION.

Fort St. George, November 8, 1935.

No. 1382.—Whereas in the opinion of the Governor acting with Ministers, the area comprised within the jurisdiction of the District Board of North Arcot cannot, after the abolition of taluk boards, be conveniently administered by a single district board:

Now, therefore, in exercise of the power conferred by sub-section (2) of section 3-A of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), the Governor acting with Ministers is hereby pleased to declare that, with effect on and from the 1st December 1935, the local areas specified in Schedules A and B below shall be districts for the purpose of the said Act, and to name them as the Vellore district and the Tiruvannamalai district respectively.

SCHEDULE A.

The revenue taluks of—

(i) Tiruppattur.
(ii) Gudiyattam.
(iii) Vellore.
(iv) Arni.
(v) Wallajah.
(vi) Arkonam.

SCHEDULE B.

The revenue taluks of—

(i) Cheyyar.
(ii) Wandiwash.
(iii) Tiruvannnamalai.
(iv) Chengam.
(v) Polur.

T. B. RUSSELL,
Secretary to Government.

30th January 1936]

Appendix XVI.

[Vide item VI (2) on page 222 supra.]

NOTIFICATION.

Fort St. George, November 7, 1935

(*G.O. No.* 4583, *L. & M.*).

No. 1395.—In exercise of the powers conferred by sub-section (1) of section 11 of the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931), the Governor acting with Ministers is hereby pleased to exempt from payment of the tax leviable under the said Act the following motor vehicles of the Government of French India:—

(1) One motor vehicle used by the Chief of Police.

(2) One motor cycle used by the Commissioner of Police.

(3) One motor vehicle used by the Chief of the Public Works Service.

T. B. RUSSELL,
Secretary to Government.

Appendix XVII.

[Vide item VI (3) on page 222 supra.]

NOTIFICATION.

Fort St. George, October 21, 1935

(*G.O. No.* 4304, *L. & M.*).

In exercise of the powers conferred by sub-section (1) of section 11 of the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931), the Governor acting with Ministers is hereby pleased to reduce by one-third the tax payable under the said Act for any quarter in respect of motor vehicles not plying for hire and belonging to *bona fide* residents of the Banganapalle State.

T. B. RUSSELL,
Secretary to Government.

Appendix XVIII.

[Vide item VI (6) on page 222 supra.]

Finance Department.

LIST OF POSTS ON Rs. 500 PER MENSEM AND ABOVE CREATED DURING THE QUARTER ENDING 30TH SEPTEMBER 1935.

Department and designation of the post.	Pay per mensem.	Period of tenure.	Remarks.
	RS.		
(*a*) Permanent.			
Nil.			
(*b*) Temporary.			
(i) *Extension of previous sanctions.*			
Public (Special) Department—Additional Sessions Judge, West Tanjore.	Pay in the regular line.	From 8th September to 31st October 1935.	

[30th January 1936

Department and designation of the post.	Pay per mensem.	Period of tenure.	Remarks.
	RS.		
	(i) *Extension of previous sanctions*—cont.		
Law Department—			
Additional District Munsif, Tinnevelly.	Indian Civil Service cadre.	One year from 3rd July 1935.	
Additional District Munsif, Chittoor.	Do.	Six months from 3rd July 1935.	
Additional Sub-Judge, Tenali.	650	One year from 1st August 1935.	
Additional Sub-Judge, Coimbatore.	650	One year from 1st October 1935.	
Public Works and Labour Department—			
Public Works Department Superintending Engineer.	1,750—2,150 ..	Till the end of March 1936.	For the charge of Dowlaishwaram Circle.
Finance Department—			
Additional Temporary Assistant Secretary.	500—50—800 ..	For the period from 1st August 1935 to 31st March 1936.	Post created in connexion with the examination of financial implications arising out of Reforms.
Local Self-Government Department.—			
Special Engineer for Road Development	Pay in the grade of Superintending Engineers plus an overseas pay of £ 13-6-8 per mensem.	From 1st July to 4th November 1935.	
	(ii) *Posts newly created.*		
Public (Special) Department—			
Headquarters Sub-Collector and Additional District Magistrate, Ganjam.	Pay in the regular line.	For six months from 10th August 1935.	
Sub-Collector, First Grade.	Pay at Rs. 1,350 per mensem in the senior time-scale of the Indian Civil Service.	From 21st August 1935 to the end of the Simla Session of the Legislative Assembly.	M.R.Ry. Rao Bahadur A. A. Venkatarama Ayyar Avargal was placed on special duty of a nominated member of the Legislative Assembly.
Officer on special duty ..	Pay at Rs. 1,500 per mensem.	From 26th August 1935 to the end of the Simla Session of the Legislative Assembly.	M.R.Ry. Diwan Bahadur R. V. Krishna Ayyar Avargal was placed on special duty as a nominated member to the Legislative Assembly.
Collector	Pay in the regular line.	From 5th September 1935 to the end of the Simla Session of the Council of State.	Mr. P. Macqueen, I.C.S., was placed on special duty as a nominated member of the Council of State.
Law (General) Department—			
Additional District Munsif, Negapatam.	Indian Civil Service cadre.	Six months from the date of commencement of the judicial training of Mr. N. D. Krishna Rao, I.C.S.	
Additional District Munsif, Calicut.	Do.	Six months from the date of commencement of the judicial training of Mr. Sivaramakrishnan, I.C.S.	
Public Works and Labour Department—			
Public Works Department Executive Engineer.	625—1,375	For eighteen days. ..	To enquire into certain accounts irregularities in the Buckingham Canal subdivision.
Do.	625—1,375	For eighteen months..	Localization of second-crop zones in Godavari Eastern and Central deltas.

30th January 1936]

APPENDIX XIX.

[Vide item VI (7) on page 222 supra.]

NOTIFICATION.

Fort St. George, December 9, 1935
(*G.O. Ms. No.* 5069, *L. & M.*).

No. 1556.—The administration of the Chirala Municipality has been unsatisfactory and the Chairman and the Councillors do not have sufficient civic sense to carry on the functions of the Council satisfactorily. The Government are therefore of opinion that the Council as at present constituted is incompetent to perform the duties imposed on it by law. They therefore direct under sub-section (1) of section 41 of the Madras District Municipalities Act, 1920, that the Chirala Municipal Council be superseded for a period of two years.

T. B. RUSSELL,
Secretary to Government.

APPENDIX XX.

[Vide item VI (10) on page 222 supra.]

NOTIFICATION.

Fort St. George, January 7, 1936.

No. 10.—Whereas in the opinion of the Governor acting with Ministers, the area comprised within the jurisdiction of the Ganjam District Board cannot, after the abolition of taluk boards, be conveniently administered by a single district board, and whereas it is desirable that the portions of the said area which will be transferred to the new Orissa Province and those which will be retained in the Madras Presidency shall be constituted into separate districts for the purposes of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920):

Now, therefore, in exercise of the power conferred by sub-section (2) of section 3-A of the said Act, the Governor acting with Ministers is hereby pleased to declare that, with effect on and from the 20th January 1936, the local areas specified in Schedules A and B below shall be districts for the purpose of the said Act and to name them as the Ganjam district and the Chicacole district, respectively.

SCHEDULE A.

That portion of the existing local fund district of Ganjam which comprises—

(1) the revenue taluks of
- (i) Gumsur;
- (ii) Aska;
- (iii) Surada;
- (iv) Kodala;
- (v) Chatrapur; and
- (iv) Ichapur (comprising only the estates of Surangi, Jarada, and Chikati—Bit I);

(2) the revenue taluk of Berhampur, except the portion lying to the south of a line drawn from Sonapur on the coast passing north of the Surla Salt Factory to Purshottapur on the Grand Trunk Road; and

(3) a portion of the Parlakimedi estate including Parlakimedi town, lying north of a line drawn just to the south of the Gunupur-Parlakimedi Railway from the point where the railway enters the estate at its north-west corner to the point where the railway crosses the Mahandratanaya river and from there east by north, to the north-eastern corner of the estate.

SCHEDULE B.

The portion of the existing Ganjam Local Fund district not included in the portion described in Schedule A above.

T. B. RUSSELL,
Secretary to Government.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Friday, the 31st January 1936.

The House met at eleven of the clock, Mr. President (the Hon. Mr. B. Ramachandra Reddi) in the Chair.

PRESENT:

Reddi Nayudu, *Kt.*, The Hon. Rai Bahadur Sir K. V.
Pannirselvam, The Hon. Rao Bahadur A. T.
Souter, K.C.I.E., C.S.I., I.C.S., The Hon. Sir Charles.
Bracken, C.S.I., C.I.E., I.C.S., The Hon. Mr. G. T. H.
Raja of Bobbili, K.C.I.E., The Hon. the.
Rajan, The Hon. Mr. P. T.
Kumaraswami Reddiyar, The Hon. Diwan Bahadur S.
Abdul Hameed Khan Sahib Bahadur.
Ahmed Meeran Sahib Bahadur.
Alamelumangathayaramma, Mrs. K.
Annamalai Chettiyar, Mr. S. A. A.
Appadurai Pillai, Diwan Bahadur A.
Arasu, Mr. V. T.
Ari Gowder, Mr. H. B.
Basheer Ahmed Sayeed Sahib Bahadur.
Basu Dev, Mr. C.
Beyabani Sahib Bahadur, S. M. K.
Bhanoji Rao, Sri A. V.
Boag, C.I.E., I.C.S., Mr. G. T.
Devadasan, Mr. M.
Dharmalingam Pillai, Rao Sahib V.
Foulkes, Mr. G. F. F.
Gopalaswami Mudaliyar, Diwan Bahadur M.
Harischandrudu Nayudu, Mr. A.
Indrayya, Mr. C.
Iswaran Pillai, Mr. I. C.
Jagannatha Raju, Rao Bahadur G.
Jagannatham, Mr. H. M.
Javad Hussain Khan Sahib Bahadur, Khan Bahadur.
Jayaram Nayudu, Rao Sahib C.
Jones, I.C.S., Mr. C. E.
Kesavaramamurti Nayudu, Mr. K.
Kolanda Reddi, Rai Sahib C.
Koti Reddi, Mr. K.
Krishnamurti, Rao Bahadur D.
Krishnan, Mr. C.
Kumararaja of Venkatagiri, The.
Langley, Mr. W. K. M.
Madanagopal Nayudu, Mr. R.
Maharaja of Parlakimedi, The.
Maharaja of Venkatagiri, The.
Manikkavelu Nayakar, Mr. M. A.
Moidoo Sahib Bahadur, Khan Bahadur T. M.
Moses, Mr. P. C.
Muhammad Meera Ravuttar Bahadur, K. P. V. S.
Muniswami Pillai, Rao Sahib V. I.
Muthiah Chettiyar of Chettinad, Raj Kumar M. A.
Muthu Chettiyar, Rao Bahadur P. C.
Nachiyappa Gounder, Mr. K. A.
Nadimuthu Pillai, Mr. A. Pl. N. V.
Nanjappa Bahadur, Rao Bahadur Subadar-Major S. A.
Narasa Reddi, Mr. T.
Narasimhaswami, Rao Sahib D. V.
Natesa Mudaliyar, Diwan Bahadur C.
Palat, Mr. R. M.
Parthasarathi Ayyangar, Mr. C. R.
Patnaik Mahasayo, Sriman M. G.
Patro, K.C.I.E., Rao Bahadur Sir A. P.
Pattabhiramayya, Mr. K.
Pattagar of Palayakottai.
Peddi Raju, Mr. P.
Pocker Sahib Bahadur, Mr. B.
Premayya, Mr. G. R.
Rajagopala Pillai, Mr. P. V.
Ramakrishna Reddi, Mr. A.
Ramalingam Chettiyar, Diwan Bahadur T. A.
Ramalinga Reddi, Mr. C.
Ramamurti, Rao Sahib Pandit Ganala.
Raman Menon, Mr. K. P.
Ramaswami Ayyar, Mr. T. S.
Ramaswami Mudaliyar, Mr. V. M.
Rameswara Rao, Mr. G.
Ranganatha Mudaliyar, Mr. A.
Rangaswami Reddi, Mr. M. B.
Ratnasabhapati Mudaliyar, Diwan Bahadur C. S.
Reid, Mr. D. M.
Rukmani Lakshmipathi, Mrs. A.
Russell, I.C.S., Mr. T. B.
Schamnad Sahib Bahadur, Khan Bahadur Mahmud.
Scott Brown, I.C.S., Mr. W.
Sesha Reddi, Rao Bahadur B. P.
Shetty, Mr. A. B.
Siva Raj, Rao Sahib N.
Smith, Mr. J. M.
Sreshta, Mr. M. S.
Srinivasa Ayyangar, Mr. T. C.
Srinivasan, Diwan Bahadur R.
Sriramulu, Mr. G.
Subbarayan, Dr. P.
Subrahmanya Chetti, Rao Sahib P.
Subrahmanya Bhatt, Mr. U. C.

PRESENT—*cont.*

Sundara Rao Nayudu, Mr. T.
Syed Tajuddin Sahib Bahadur, Khan Sahib.
Thangal, Mr. P. M.
Thomas, Mr. Daniel.
Uzielli, C.I.E., I.C.S., Mr. H. R.
Vasudeva Pillai, Mr. V. G.
Venugopal Nayudu, Rao Bahadur R. K.
Yahya Ali Sahib Bahadur, Khan Bahadur.
Yakub Hasan Sahib Bahadur.
Zamindar of Bodinayakkanur, The.
Zamindar of Kirlampudi, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Electricity

Representations in favour of Government undertaking the distribution of electricity in Wallajah taluk.

* 636 *Q.*—Mr. V. M. Ramaswami Mudaliyar: Will the Hon. the Law Member be pleased to state—

(*a*) whether it is a fact that the Wallajah Municipality has passed a resolution requesting the Government to undertake distribution themselves on behalf of the municipality;

(*b*) whether the Government have refused the grant of licence to private licensees in the Wallajah taluk;

(*c*) whether the Government have received representations from the agriculturists of the Wallajah taluk requesting them to undertake the distribution of agricultural load direct; and

(*d*) whether representations have been received protesting against the grant of licences to private people in the said area?

A.—(*a*) Yes, but it previously supported the application of a company.

(*b*) The question is still under consideration.

(*c*) & (*d*) Yes.

Mr. Abdul Hameed Khan:—" May I know, Sir, whether it is not very contradictory that after establishing a municipal electrical engineering service, Government should go against the wishes of the municipalities whenever they make a demand of this kind? "

The Hon. Sir K. V. Reddi Nayudu:—" I don't quite follow the question of the hon. Member. The municipal electrical engineer will deal with the supply of electricity in the town. I do not think the question refers to that; it refers to the Wallajah taluk."

Rao Sahib V. I. Muniswami Pillai:—" May I know whether there is any agreement between Wallajah taluk and the Electric Supply Company with regard to the supply of electricity? "

The Hon. Sir K. V. Reddi Nayudu:—" I have no information."

Mrs. A. Rukmani Lakshmipathi:—" May I know whether it is a fact that the Government offered to supply electricity to this municipality? "

31st January 1936]

The Hon. Sir K. V. Reddi Nayudu:—"I am not quite sure whether it was formally offered. I have stated before that if a municipality or district board is ever willing to undertake the distribution, preference will be given to it."

Mr. Basheer Ahmed Sayeed:—"May I know whether the previous support of the municipality to the company has in any way altered the position so far as the Government is concerned?"

The Hon. Sir K. V. Reddi Nayudu:—"The resolution itself was passed recently, I believe."

Mr. Basheer Ahmed Sayeed:—"I would like to know from the Hon. the Law Member as to whether the resolution that was passed by the Wallajah Municipality has in any way changed the policy of the Government in regard to the matter under consideration?"

The Hon. Sir K. V. Reddi Nayudu:—"That question has not at all been considered."

Refusal of licence to private bodies for distribution of Mettur power in the North Arcot district.

* 637 *Q.*—Mr. V. M. Ramaswami Mudaliyar: Will the Hon. the Law Member be pleased to state whether the Government have finally decided to refuse licences for distributing Mettur electric energy in the North Arcot district except in the taluks where licences had already been granted?

A.—The Government have rejected one such application for a licence and have not yet passed final orders on another similar application, pending receipt of the reply to a reference made to the applicant.

Prisons and Prisoners

Observance of Ramzan by the Muslim convicts in jails.

* 638 *Q.*—K. P. V. S. Muhammad Meera Ravuttar Bahadur: Will the Hon. the Law Member be pleased to state—

(*a*) the number of Muslim convicts (males and females) in each jail;

(*b*) the number of convicts who observed fasting during the month of Ramzan in each jail; and

(*c*) whether the Hon. the Law Member will be pleased to issue orders to give rice diet to such of the convicts as observe fasting?

A.—(*a*) There were 2,564 Muslim convicts (2,483 males and 81 females) confined in the various jails of this Presidency in 1934. Information for the year 1935 and separately for each jail is not available.

(*b*) The Government have no information.

[31st January 1936

(c) Convicts are given the class of diet recommended by the convicting courts and the court's classification is not changed except on medical grounds. The Government do not propose to relax the rules regarding jail dietary in favour of convicts who observe fasts.

Mr. ABDUL HAMEED KHAN:—" I take it, Sir, that the policy of the Government in punishing offenders is more with a view to their reformation than for mere conviction and punishment. In such circumstances may I know whether the Government will not consider it advisable to afford prisoners belonging to different classes and communities, facilities which will enable them to live, even during the period of incarceration, such as giving them rice diet when they are fasting? "

The Hon. Sir K. V. REDDI NAYUDU:—" Other circumstances will have also to be considered in deciding this. Supposing for instance, every Hindu wants a particular kind of rice, say, on Ekadasi day, it would not be possible for Government to give it because there are so many Hindu festivals; in any particular place any action taken by Government should be consistent with the rules. If in regard to any particular community, be it Muslim or Hindu, the officers recommend that a particular kind of food be given, certainly, the Government will do it. There is also the question of finance."

Mr. BASHEER AHMED SAYEED:—" May I know whether the Government will examine the question in view of the fact that the Ramzan lasts for one month and it is very essential that during this period facilities with regard to diet should be given in conformity with the rules? I would like to know whether the Government will have the question examined as to how far it is possible to afford such facilities? "

The Hon. Sir K. V. REDDI NAYUDU:—" I have no objection."

S. M. K. BEYABANI SAHIB BAHADUR:—" Will not the giving of a particular diet to the Muslim convicts be more economical because they take only one meal during this period? "

The Hon. Sir K. V. REDDI NAYUDU:—" I think that will be covered by my promise to examine the question. I can say nothing more than that.

Irrigation

Publication of the reports regarding the deepening of the Valappar and the construction of a calingula.

* 639 *Q.*—Mr. K. S. SIVASUBRAHMANYA AYYAR: Will the Hon. the Member for Revenue be pleased to lay on the table of the House—

(a) copy of the reports accompanying the estimates for " deepening the river Valappar and constructing a calingula across the same and constructing a calingula across Nadagudi drainage " with crest levels of the different portions of the body walls of the dams and the top level of the dam stones fixed in the dams;

31st January 1936]

(*b*) copy of the front and rear water-level readings of the river Valappar and of the river Puttar at the Puttar-Vellar head and of the river Valappar at the in-fall of Nadagudi drainage; and

(*c*) copy of the rules and regulations in force at present at Puttar-Valappar head?

A.—(*a*) The reports [a] accompanying the estimates are appended.

The crest levels are as follows:—

Crest of the masonry calingulah across the Nadagudi drain under construction	37·60
Level of the top of dam stones	40·18
Crest of the body wall of the dam across the Velappar	40·80
Level of the top of dam stones	41·80

(*b*) The water readings from the beginning of the irrigation season up to 12th December 1935 from the rivers Puthar and Velappar at the Puthar-Velappar head are available, but the Government do not think that any useful purpose will be served by placing the statements of readings on the table of the House. The water readings of the Velappar at the infall of the Nadagudi drainage are not available as there is no gauge fixed in the Velappar at present.

(*c*) Supplies to the two rivers Puthar and Velappar are regulated in proportion to the ayacuts under them, which are roughly in the ratio of 3:5. The number of vents in the two regulators is also in the same ratio.

Measures for preventing the silting up of the Valappar.

* 640 *Q.*—Mr. K. S. Sivasubrahmanya Ayyar: Will the Hon. the Member for Revenue be pleased to state—

(*a*) whether the anticipated drop of nearly 2·5 feet in the normal supply level of the Valappar at the in-falls of Nadagudi drainage has been effected by the improvements hitherto executed under the orders of the Chief Engineer;

(*b*) whether it is a fact that the deepened bed of the Valappar is getting silted up with sand very quickly;

(*c*) if the answer to clause (*b*) be in the affirmative, whether the Government propose to devise measures to prevent such silting up;

(*d*) the steps the Public Works Department propose to take to keep the normal supply level of the Valappar below 39·26 at all times;

(*e*) whether the authorities of the Public Works Department have suggested in the interests of Nadagudi drainage that the water-level above the calingula across the drainage should not be raised above the top of the dam stones fixed in the calingula; and

[a] Printed as Appendix I on pages 317–318 infra.

[31st January 1936

(*f*) whether steps would be taken to enforce the maintenance of the stipulated level of water above the calingula across the Nadagudi drainage and to avoid the conflict of interests (Irrigation and Drainage) due to the erection of the dam?

A.—(*a*), (*b*) & (*d*) The work " improving the defective drainage of Nadagudi lands—Estimate Rs. 8,000 " was started only this year and in its present incomplete stage it is not possible to express any opinion as to the results of the improvements.

(*c*) The question does not arise.

(*e*) & (*f*) It will be possible to restrict drainage flow level to the top of dam stones on the calingula of Nadagudi drain only in the south-west monsoon period, but not in the north-east monsoon, as an M.F.L. of 42·30 is anticipated over the calingula. But at this period of rains the head of Valappar is completely controlled and supply reduced or cut out in the river. Under these conditions, the depth of flow in the Nadagudi drain will be considerably reduced. This procedure has actually been adopted this year in order to give maximum drainage relief.

Failure of freshes in the Mamandur tank, North Arcot district.

* 641 *Q.*—Mr. V. M. Ramaswami Mudaliyar: Will the Hon. the Member for Revenue be pleased to state—

(*a*) the extent and capacity of the Mamandur tank in the North Arcot district;

(*b*) under what classification this tank comes;

(*c*) the extent of the ayacut under the tank and the income therefrom;

(*d*) the extent of remission given to the ayacutdars during the last six years (yearwar and the reason therefor);

(*e*) how many months per year was this tank dry during the last six years; and

(*f*) whether there are any proposals for the examination of the question of re-classifying these tanks according to their present actual capacity and condition?

A.—(*a*) Extent—1,413·94 acres.
Capacity—1,800 mill. c.ft.

(*b*) First-class source.

(*c*) Extent—4,044·13 (Government and inam).
Assessment—Rs. 38,061 (Government and inam).

31st January 1936]

(*d*)—

Year.	Extent of remission.	Reasons.
(Fasli)	RS.	
1339	10,236	Inadequate supplies
1340	No remission.	
1341	Do.	
1342	Do.	
1343	17,898	Inadequate supplies.
1344	13,696	Do.

(*e*) Two months in 1930.
Nil in 1931 and 1932.
Two months in 1933.
Three and a half months in 1934.
Five and a half months in 1935.

(*f*) None at present.

Land Revenue Administration

Communication of the order of transfer to Deputy Collectors concerned.

* 642 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Member for Revenue be pleased to state—

(*a*) whether a copy of the transfer order is sent direct to the Deputy Collector concerned whenever transfers of such officers are made from one station to another;

(*b*) if the reply be in the negative, why this sort of courtesy is refused even to such officers of the gazetted rank; and

(*c*) whether it is not the policy of the Government to intimate their officers and servants sufficiently early when they are transferred from one station to another?

A.—(*a*) No, except when the officer concerned is on leave.

(*b*) The question is not one of courtesy but of office routine. The Collector of the district to which the officer is transferred has to post him to a particular division of the district, and the officer has therefore to obtain his orders from the Collector.

(*c*) Orders regarding transfers are ordinarily issued in good time. The orders are published in the gazette and in the newspapers.

Amendment of section 48 of the Revenue Recovery Act.

* 643 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Member for Revenue be pleased to state with reference to the assurances given by the Hon. Member in reply to the adjournment motion moved on 29th October 1935 regarding arrest and imprisonment for non-payment of land revenue, whether he has examined the question of the deletion or amendment of section 48 of the Revenue Recovery Act and, if so, with what result?

A.—The question is under examination.

[31st January 1936

Retrospective effect to the Press Communiqué regarding the non-imposition of enhanced resettlement rates.

* 644 *Q.*—Rai Sahib C. KOLANDA REDDI: Will the Hon. the Member for Revenue be pleased to state—

(*a*) whether the Government communiqué of 12th December 1935 stating that they will not impose percentage enhancement consequent upon resettlements will apply retrospectively to Kistna district too; and

(*b*) if not, why not?

A.—(*a*) No.

(*b*) The Press Communiqué relates only to future resettlements.

Mr. P. PEDDI RAJU:—" May I know, Sir, if the Government will consider the question of removing this enhancement in cases of districts which are resettled after 1930? "

The Hon. Sir CHARLES SOUTER:—" The Government have already considered that question, and they have decided that this applies only to future resettlements."

Retrospective effect to the policy of the Government regarding the levy of resettlement rates.

* 645 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Member for Revenue be pleased to state—

(*a*) whether it is a fact that the present policy of the Government is that no enhancement in the rates of assessment will be made as a result of resettlement and decision will be left over to the Government of the future;

(*b*) if so, to which of the districts the benefit of such a policy has been given;

(*c*) whether there are any proposals for giving retrospective effect to such a policy at least to such areas about which resettlement orders have been passed in the course of this year 1935; and

(*d*) if so, what they are?

A.—(*a*) Yes.

(*b*) The policy will be applied to areas for which resettlement proposals are submitted for the orders of the Government in future.

(*c*) & (*d*) No.

Proposals for the non-imposition of resettlement rates in the southern taluks of Salem district.

* 646 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Member for Revenue be pleased to state—

(*a*) whether there are any proposals for not giving effect to the increase of assessment in the six southern taluks of Salem district, and other parts of the province where resettlement has been given effect to and incremental remission ordered, during the current fasli on account

31st January 1936]

of the present policy of Government that no increase in assessment will be made as a result of resettlement, and the Government of the future will be allowed to tackle this vital question; and

(*b*) if so, what they are and when orders are likely to be passed in the matter?

A.—There are no such proposals.

Progress of the resettlement operations in the northern taluks of the Salem district.

* 647 *Q.*—Mr. K. A. Nachiyappa Gounder: Will the Hon. the Member for Revenue be pleased to state—

(*a*) at what stage the resettlement operations in the northern taluks of the Salem district now are; and

(*b*) when the scheme report is likely to be published?

A.—The attention of the Hon. Member is invited to the answer given to clause (*a*) of question No. 76 at the meeting of the Legislative Council on the 6th August 1935. The Government have no further information.

Progress of the resettlement operations in the hill villages in Salem district.

* 648 *Q.*—Mr. K. A. Nachiyappa Gounder: Will the Hon. the Member for Revenue be pleased to state—

(*a*) at what stage the resettlement operations in the hill villages in Salem district now is; and

(*b*) when the scheme report therefor is likely to be published?

A.—The scheme report for the resettlement of the hill villages in the Salem district has been published as a special supplement to the *Salem District Gazette* for December 1935. Copies of the scheme report have been sent to the members of the Legislative Council.

Local Self-Government

Municipalities which passed vote of censure on their Commissioners.

* 649 *Q.*—Mr. K. A. Nachiyappa Gounder: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether any of the municipalities have passed vote of censure on their Commissioners;

(*b*) if so, what those municipalities are;

(*c*) when such resolutions were passed and what orders have been passed by the Government in the case of each; and

(*d*) whether the copies of the resolution and the orders passed thereon will be placed on the table?

A.—(*a*) The Madras District Municipalities Act, 1920, does not provide for the passing by municipal councils of a vote of censure on their Commissioners. The hon. Member apparently refers to the resolution passed by certain municipal councils recommending the removal of their Commissioners under the powers vested in them under sub-section (4) of section 12-C of the Act.

(*b*) Tinnevelly, Coimbatore, Palni and Ellore municipalities. The Tanjore Municipal Council passed a resolution asking for the transfer of its Commissioner which was not in the terms of section 12-C of the Act.

(*c*) & (*d*) The Tinnevelly Municipal Council passed the resolution on 16th May 1934, the Coimbatore Municipal Council on 1st March 1935, the Palni Municipal Council on 5th August 1935 and the Ellore Municipal Council on 28th September 1935. In pursuance of these resolutions, the Government under section 12-C of the Madras District Municipalities Act, 1920, replaced the Commissioners of these municipalities by the appointment of other officials. The resolution of the Tanjore Municipal Council was not complied with, but the Commissioner in question has since been reverted to Government service. Copies of the resolutions and of the orders of Government issued thereon are placed on the table of the House.[a]

Representation of Vannikula Kshatriyas in the cadre of Municipal Commissioners.

* 650 *Q.*—Rao Bahadur Subadar-Major S. A. Nanjappa Bahadur: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) the names of all Municipal Commissioners (since the question on the subject was answered last time) and the community to which they belong, also where they are working; and

(*b*) the number of Vannikula Kshatriyas employed as Municipal Commissioners and also their names?

A.—(*a*) A statement [b] showing the particulars relating to the fresh appointments of Commissioners, subsequent to question No. 380 answered on the 1st November 1935, is appended.

(*b*) The Vannikula Kshatriya is a sub-sect of the non-Brahman (Hindu) community and the total number of non-Brahman (Hindus) now working as Commissioners is forty-five.

Rao Bahadur Subadar-Major S. A. Nanjappa Bahadur:—"May I know, Sir, who is the recommending authority for this particular appointment?"

[a] Printed as Appendix II on pages 318–320 infra.

[b] Printed in Appendix III on page 320 infra.

31st January 1936]

The Hon. the RAJA OF BOBBILI:—"The Government themselves have prepared certain lists of suitable candidates. Whenever vacancies arise selection is made out of them."

Rao Bahadur Subadar-Major S. A. NANJAPPA Bahadur:—"May I know whether any candidate from the community applied for appointment?"

The Hon. the RAJA OF BOBBILI:—"I cannot answer the question, because the Vanniyakula Kshatriya is a sub-sect of the non-Brahman community and no separate representation is given to sub-sects."

Rao Bahadur Subadar-Major S. A. NANJAPPA Bahadur:—"In what order does the community stand for such appointments?"

The Hon. the RAJA OF BOBBILI:—"Certainly if eligible candidates are available they will be appointed."

Rao Bahadur Subadar-Major S. A. NANJAPPA Bahadur:—"Does it mean that they should be B.As. or M.As.?"

The Hon. the RAJA OF BOBBILI:—"For many of these appointments there is no direct recruitment. Government servants and employees of Local Boards and Municipal Councils in active service are selected for these posts."

Rao Sahib V. I. MUNISWAMI PILLAI:—"May I know whether any application has been received during the last year from Vanniyakula Kshatriyas?"

The Hon. the RAJA OF BOBBILI:—"I am not aware of having received any application."

Alleged interference of Government with the Tanjore District Board in regard to consideration of supplemental subjects.

* 651 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that the Government have interfered with the Tanjore District Board in the latter's consideration of supplemental subjects at a meeting of that board, before it was bifurcated;

(*b*) what the reasons were that prompted the Government to interfere in such a way;

(*c*) on whose representations the matter was taken up; and

(*d*) whether a copy of the representations made as well as a copy of the order thereon will be placed on the table?

A.—(*a*) & (*b*) The Government called upon the old Tanjore District Board before bifurcation to show cause why certain resolutions passed at its meeting held on 1st October 1934 should not be cancelled for the reason that the members were not given the statutory ten days' notice of the subject-matter of the resolutions. After considering its reply they decided not to cancel the resolutions as the Board had regularized the resolutions by having them confirmed at a subsequent meeting.

[31st January 1936

(c) & (d) The Government consider that no useful purpose will be served at this distance of time by furnishing the information required or by placing on the table the representation and the Government Order passed thereon.

Mr. K. A. Nachiyappa Gounder:—" May I ask, Sir, whether the publishing of the representations and Government Order thereon by placing them on the table will not serve as a guidance for other district boards in such matters? "

The Hon. the Raja of Bobbili:—" I don't quite follow the hon. Member. Government have stated that they have inquired into the matter, because the required notice has not been given in the previous instance."

Mr. K. A. Nachiyappa Gounder:—" May I know whether in case of supplemental agenda also the notice of ten days is necessary? "

The Hon. the Raja of Bobbili:—" It is quite necessary according to the Act."

Lack of qualifications prescribed on the part of the Supervisor, Works Department, Chingleput Municipality.

* 652 *Q.*—Mr. P. Ratnavelu Thevar: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that a person not possessing all the qualifications required under the rules for appointment as a supervisor has been appointed as Supervisor in the Public Works Department of the Chingleput Municipality;

(b) whether he has been recommended to be exempted from the prescribed qualifications by the said municipality; and

(c) whether the municipality was advised by the Sanitary Engineer to Government to apply for such exemption?

A.—(a) A candidate not possessing the prescribed qualifications has been appointed as temporary engineer in the Chingleput Municipality in connexion with the execution of the Municipal Drainage Scheme.

(b) Yes.

(c) Yes. The Sanitary Engineer considered that he was the only suitable candidate among the applicants.

Mr. Basheer Ahmed Sayeed:—" May I ask whether the post was advertised for before the appointment was made? "

The Hon. the Raja of Bobbili:—" I believe it has been."

Mr. Basheer Ahmed Sayeed:—" May I know to which community the candidate who has been appointed belongs? "

The Hon. the Raja of Bobbili:—" I have not got the information."

Mr. Basheer Ahmed Sayeed:—" May I know whether this employee has put in any previous service in the district board? "

The Hon. the Raja of Bobbili:—" I have no information."

31st January 1936]

Bifurcation of the Ganjam District Board.

* 653 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that the Ganjam District Board is being bifurcated;

(*b*) if so, whether the Government have taken into consideration the fact that a good portion of Ganjam district will go to the new Province of Orissa owing to the impending new Reforms;

(*c*) whether the bifurcation is made to suit the convenience of transferring away the portion to be added to the new Orissa Province;

(*d*) what the annual normal income and expenditure of the Ganjam District Board are;

(*e*) what the headquarters would be of the bifurcated District Boards of Ganjam and what the anticipated normal income and expenditure of the bifurcated District Boards of Ganjam district are; and

(*f*) how many district boards are likely to survive in the districts of Ganjam and Vizagapatam after portions of the district have been transferred to the new Orissa Province and what they are?

A.—(*a*) The old Ganjam District Board was bifurcated with effect from the 20th January 1936.

(*b*) Yes.

(*c*) The bifurcation was ordered mainly in view of the transfer.

(*d*) A. *General account*—

	RS.
Normal receipts after deducting contribution to Elementary Education Fund ...	9,20,250
Normal expenditure	8,85,000
B. *Elementary Education account*—	
Normal receipts (including contribution from general funds)	4,25,920
Normal expenditure	4,16,000

(*e*) Chatrapur and Chicacole. The normal budgets of the proposed district boards have been received from the Inspector of Municipal Councils and Local Boards and are under the consideration of Government.

(*f*) Three.

Programme of bifurcation of district boards during the year 1936.

* 654 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state what the districts are which are to be bifurcated in the near future and in the course of 1936?

A.—Attention is invited to the Press Communiqué, dated 15th January 1936, on the subject.

[31st January 1936

Mr. K. A. Nachiyappa Gounder :—" May I know whether any definite programme has been laid down with regard to the districts that are to be taken up shortly for bifurcation? "

The Hon. the Raja of Bobbili :—" Each district will be examined and then a decision taken."

Mr. K. A. Nachiyappa Gounder :—" How many districts have so far been taken up for examination? "

The Hon. the Raja of Bobbili :—" I have stated in answer to a previous question that four districts in Northern Circars and three districts in the South were taken up some time back. Since then no further district has been taken up, and Government are examining the position with reference to all the district boards."

Diwan Bahadur M. Gopalaswami Mudaliyar :—" Is it not necessary to bifurcate all the district boards in view of the fact that taluk boards have been abolished and it is practically impossible for one man to carry on the administration of a district board? "

The Hon. the Raja of Bobbili :—" I am afraid I cannot answer a general question like that. We shall consider the conditions of each case."

Mr. K. A. Nachiyappa Gounder :—" What are the four districts in the northern area and the three in southern area which are mentioned by the Minister? "

The Hon. the Raja of Bobbili :—" They have been stated more than once on the floor of the House. The four districts in the North are, West Godavari, East Godavari, Kistna and Nellore. The three districts in the South are, Coimbatore, Malabar and the Nilgiris."

Mrs. A. Rukmani Lakshmipathi :—" May I know whether these districts are financially fit to be bifurcated? "

The Hon. the Raja of Bobbili :—" The examination has not yet been concluded; we are examining the question."

Mr. K. Koti Reddi :—" Is there any proposal to appoint a special officer to examine the financial aspects of the question? "

The Hon. the President :—" The answer is there."

Mr. K. Koti Reddi :—" May I know if a senior civilian will be appointed in order to examine the financial conditions of the district boards? "

The Hon. the Raja of Bobbili :—" A member of the Provincial Civil Service will be appointed."

Mr. K. Koti Reddi :—" Is it not preferable to appoint a senior Civilian in a matter like this, a European Civilian? "

The Hon. the Raja of Bobbili :—" Government feel that the matter can be well attended to by a member of the Provincial Civil Service."

31st January 1936]

Proposals for the bifurcation of the district boards in the Ceded districts.

* 655 *Q.*—Diwan Bahadur M. GOPALASWAMI MUDALIYAR: Will the Hon. the Minister for Local Self-Government be pleased to state whether there are proposals to bifurcate the district boards of the Ceded districts?

A.—No. Attention is however invited to the Press Communiqué, dated 15th January 1936, regarding bifurcation of district boards.

Postponement of the election of President of the District Board, South Kanara.

* 656 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) when the elections to the District Board of South Kanara were held;

(*b*) whether a meeting of the elected Members was convened to elect the President;

(*c*) if not, why it has not been held and at whose instance and under what provision of law has the election of the President been held up; and

(*d*) whether the Collector of South Kanara has reported against the holding of the election of the President; if so, whether the Hon. Minister will be pleased to place a copy of the same on the table of the House?

A.—(*a*) Elections to all but one circle were held in November 1935.

(*b*) No.

(*c*) & (*d*) The Government in consultation with the Collector, considered it desirable to postpone the election till all the seats on the Board had been filled and instructed the Collector accordingly.

Mr. U. C. SUBRAHMANYA BHATT:—" May I know what the reasons are that made the Government not to hold the election to the presidentship? " 11-15 a.m.

The Hon. the RAJA OF BOBBILI:—" The Government felt that the vacancy in one of the circles should also be filled before the election is held."

Mr. U. C. SUBRAHMANYA BHATT:—" May I know whether an ordinary meeting of the board has not been called to transact ordinary business? "

The Hon. the RAJA OF BOBBILI:—" The hon. Member is no doubt aware that an ordinary meeting was called for before this vacancy was filled up."

Mr. T. C. SRINIVASA AYYANGAR:—" May I know whether it is the intention of the Government that in every case when even one seat remains to be filled, the presidential election should be postponed, or is it only in special contingencies? "

The Hon. the RAJA OF BOBBILI:—"The Government have never held that an election when one vacancy remains unfilled is invalid. Each case has to be considered on its merits. In this case the Government considered that an opportunity should be given to voters in this circle to send their candidate."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I ask whether any petition was received praying that the election to the presidentship should be postponed on account of a vacancy pending?"

The Hon. the RAJA OF BOBBILI:—"That I cannot say. A number of petitions were received on the point."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"May I know what the report of the Collector on this point is?"

The Hon. the RAJA OF BOBBILI:—"It is not desirable to state what exactly the Collector has reported. The answer says that the Government have in consultation with the Collector come to this decision."

Mr. V. M. RAMASWAMI MUDALIYAR:—"Besides the reason given, are there any special considerations that induced the Government to decide that the president should not be elected till all the seats are filled?"

The Hon. the RAJA OF BOBBILI:—"The special consideration is that the Government felt that they should not encourage the practice of holding up elections by injunction petitions unless and until the Act or the rules have been violated by the election authorities."

Mr. BASHEER AHMED SAYEED:—"May I know how long this administration has been in charge of the Collector?"

The Hon. the RAJA OF BOBBILI:—"I cannot give the exact date: probably it was a date in November."

Strength of staff sanctioned for each district board.

* 657 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) what the strength is under various categories such as secretary, manager of the Engineer's office, superintendents, accountants, upper division clerks, lower division clerks, attenders, and peons which was originally allowed to each district board by the Government after they took power for regulating those establishments; and

(*b*) how many posts in each variety they have since sanctioned in addition, to each district board and what the special reasons are for doing so?

A.—The information asked for is not readily available. The Government consider that the public interests served by furnishing the information will not be commensurate with the time and labour involved in collecting it.

31st January 1936]

Mr. K. A. Nachiyappa Gounder:—" May I ask whether this information could not be collected from the records available with the Government?"

The Hon. the Raja of Bobbili:—" The existing establishment has been fixed as the normal schedule of establishment. There have been occasional changes and therefore it would not be possible to readily collect this information."

Settlement of the pension and provident fund accounts of the ex-taluk board clerks.

* 658 *Q.*—Mr. K. A. Nachiyappa Gounder: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether the pension accounts of the ex-taluk board clerks have been settled and they have been put on the provident fund scheme; and

(*b*) if so, from which date and whether a copy of the order passed in the matter will be placed on the table?

A.—The attention of the hon. Member is drawn to G.O. No. 1510, L. & M., dated the 15th April 1935, a copy of which has already been laid on the table of the House [vide question No. 60 (starred) answered on the 6th August 1935], and to G.O. No. 4099, L. & M., dated the 7th October 1935, a copy [a] of which is now laid on the table of the House. With reference to these orders the pension papers of the pensionable employees of late taluk boards are being forwarded by the presidents of district boards concerned to the Accountant-General for scrutiny and audit certificate.

Modification of the scale of pay of pandits employed in schools under district boards and municipalities.

* 659 *Q.*—Mr. K. A. Nachiyappa Gounder: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether orders have been passed modifying the scale of pay of pandits employed in the schools under the district boards and municipalities;

(*b*) if so, whether a copy of it will be placed on the table;

(*c*) whether the matter of regulating the pay of pandits who are not holders of titles or proficiency certificates but who have been exempted in G.O. No. 1064, dated 12th March 1927, has been considered;

(*d*) if so, what the scale of pay allowed to such pandits is;

(*e*) whether representations have been received from such pandits employed in the Municipal High School at Gudiyattam in North Arcot district; and

(*f*) if so, what orders have been passed thereon, and whether a copy of it will be placed on the table?

[a] Printed as Appendix IV on page 321 infra.

[31st January 1936

A.—(a) Yes.

(b) G.O. No. 3395, L. & M., dated the 20th August 1935, was placed on the table in reply to question No. 285 answered on 30th October 1935.

(c) & (d) The matter is under consideration.

(e) Yes.

(f) It is under consideration.

Mr. G. RAMESWARA RAO:—"May I know whether petitions were received from some of the pandits who had been appointed before 1926 complaining that they were unjustly treated as they were declared ineligible for the higher scale?"

The Hon. the RAJA OF BOBBILI:—"No representations have been received."

Mr. G. RAMESWARA RAO:—"Is it not a fact that these pandits who have been doing their work well for over 20 years have been made ineligible for the present scale of pay on the ground that they have no titles?"

The Hon. the RAJA OF BOBBILI:—"It is not a question of titles. The latest rules are that if they undergo a course of studies which is equivalent to that of a graduate, the remuneration should be commensurate with that qualification. In view of these considerations, the Government have decided to raise the scale of pay of those who fulfil the qualifications fixed under the latest orders."

Mr. BASHEER AHMED SAYEED:—"May I ask whether the Government will not reconsider their orders in view of the hardship caused to the employees?"

The Hon. the RAJA OF BOBBILI:—"There is absolutely no hardship caused."

Mr. P. PEDDI RAJU:—"Are the Government aware that there was a time when the Universities did not grant titles and there were no institutions giving training to the pandits? If so, do not the Government consider that these people deserve special consideration in view of their long service and all that?"

The Hon. the RAJA OF BOBBILI:—"I do not see why they alone deserve special consideration. If that rule is to be extended, every employee would deserve special consideration."

Mr. K. A. NACHIYAPPA GOUNDER:—"How long the representations referred to in clause (e) have been pending disposal?"

The Hon. the RAJA OF BOBBILI:—"Some representations were originally received and Government have passed orders on them. Further representations have since been received to extend the benefit to all pandits. I cannot give the exact date when they were received."

31st January 1936]

Mr. T. C. Srinivasa Ayyangar :—" May I ask whether the Hon. the Minister is not aware that the literary equipment of some of the older pandits in service is in no way inferior to the equipment of the modern pandits having titles? "

The Hon. the Raja of Bobbili :—" I am not competent to speak on the merits of individual cases. But the question is that the old pandits are drawing their old scales of pay."

Constitution of a panchayat for Kodumudi, Coimbatore district.

* 660 *Q.*—Mr. K. A. Nachiyappa Gounder : Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether a panchayat has been constituted for Kodumudi in Coimbatore district;

(*b*) if so, when;

(*c*) if not, why the matter is kept pending and when it is likely to be constituted; and

(*d*) if it has been constituted, what the annual receipts and charges are of that panchayat as per budget estimates for the year 1935–36?

A.—(*a*) & (*b*) The Government understand that the Inspector of Municipal Councils and Local Boards has constituted a panchayat for Kodumudi in pursuance of his order, dated the 5th December 1934.

(*c*) Does not arise.

(*d*) No information is available.

Report of the Special Officer appointed to formulate proposals for road development.

* 661 *Q.*—Mr. M. S. Sreshta : Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether the Special Engineer for Road Development, Mr. Vipan, has made his report regarding proposals for the construction of bridges and roads and improvements thereto;

(*b*) if so, what the proposals are in regard to each district and what the estimated cost is of the proposals for each district;

(*c*) whether it is a fact that it is proposed that the funds of the Road Development Board are to be used on roads which would not compete with railways;

(*d*) if so, whether the question of improving the trunk road from Mangalore northwards and bridging all the rivers has been considered;

(*e*) what amounts have been spent on trunk roads in each district of this Province during each of the last three years;

(*f*) whether it is a fact that the recommendations of the Special Engineer will be referred to the Road Board for their opinion;

(*g*) if so, who the members of the Road Board are; and

(*h*) what steps have been taken to represent the interests of South Kanara on this Board?

[31st January 1936

A.—(*a*) Yes.

(*b*) The information required is contained in the report which has been published and placed at the disposal of the Press.

(*c*) Not necessarily.

(*d*) No. The comprehensive scheme of road development prepared by the Special Engineer for Road Development includes proposals for a road to connect Calicut with Coondapoor and thence to the Bombay Presidency frontier and also for the bridging of certain rivers and streams in the South Kanara district. These proposals will be considered by Government along with the comprehensive scheme.

(*e*) A statement [a] showing the amount spent by local bodies on trunk roads during the three years ending 1933–34 is laid on the table. Figures for 1934–35 for all the local bodies are not available.

(*f*) Yes.

(*g*) A list [a] of the members of the Board of Communications (which has taken the place of the old Road Board) is appended.

(*h*) The interests of local bodies are represented by three members, of whom the President, District Board, Malabar, is one. There is no separate representation for each district.

Sanitary Engineering

Tap-rate system of water charges in mufassal municipalities.

* 662 *Q.*—Mr. C. BASU DEV: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) what is the present method of charging for water-supply in mufassal municipalities;

(*b*) whether it is a fact that in mufassal municipalities, there is a wholesale change from metering to tap-rate system; if so, why;

(*c*) whether the Government have approved of such a change to tap-rate system; if so, on what grounds; and

(*d*) whether the water meters in mufassal municipalities have not been found to be inaccurate in recording consumption of water?

A.—(*a*) The Government have issued model by-laws relating to house connexions for adoption by municipal councils which have introduced house-connexion schemes. These by-laws require that every house to which supply is given should be provided with a meter, and that charges should be fixed for supply in excess of the free allowance provided for in them. The free allowance is permitted only in the case of water supplied for domestic purposes. In the case of water supplied for non-domestic purposes, all

[a] Printed as Appendix V on pages 322–324 infra.

water is charged for in accordance with the rates fixed in the by-laws and no free allowance is permitted; but to compensate for this and in the case of certain institutions such as mosques, temples, etc., some municipalities charge a low or even nominal rate for the water consumed for non-domestic purposes in such institutions.

(*b*), (*c*) & (*d*) Out of the 29 municipalities which have introduced house connexion schemes, only the following eight municipalities have so far adopted the tap-rate system:—

(1) Adoni.
(2) Ellore.
(3) Bezwada.
(4) Trichinopoly.
(5) Erode.
(6) Vellore.
(7) Coimbatore.
(8) Negapatam.

Even in these eight municipalities, tap-rate system is not permitted in the case of water supplied for non-domestic purposes.

The Government have permitted local bodies to adopt the tap-rate system or the meter system according to their choice. The main reasons for this change are:—

(1) the meters easily get out of order,

(2) they are liable to be tampered with,

(3) they require more expert supervision than what they are likely to receive ordinarily in the municipality, and

(4) they are expensive to buy and expensive to maintain in good order.

Mr. V. M. Ramaswami Mudaliyar:—" May I ask, Sir, why the Government are compelling the mufassal municipalities to meter every house when metering has been given up in the city? "

The Hon. the Raja of Bobbili:—" Because the rules in the municipalities require it. Those municipalities that have adopted the tap-rate system should meter their connexions."

Mr. V. M. Ramaswami Mudaliyar:—" If I understand the Hon. the Minister aright, he says that the municipalities are given the option to levy the tap-rate or fix meters? "

The Hon. the Raja of Bobbili:—" In specific cases, the Government have agreed that the tap-rate system may be tried.

Mr. V. M. Ramaswami Mudaliyar:—" Is the Hon. the Minister aware of a recent decision by a court of law that levy of tap-rate is not authorized by the District Municipalities Act, if so, whether the Hon. the Minister has under consideration suitable amendments to the Act? "

The Hon. the Raja of Bobbili:—" The Government propose to bring up amendments in the near future."

[31st January 1936

Expert opinion regarding the introduction of water meters in the Madras City Municipal Act Amending Bill.

* 663 *Q.*—Mr. C. Basu Dev: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) with regard to the proposal in the Madras City Municipal Act Amending Bill whether any expert was consulted about the wholesale introduction of water meters in the City of Madras; if so, who he is and what his opinion is;

(*b*) what the probable total cost is of supplying meters in Madras and what the expected revenue is to the Corporation of Madras consequent upon such introduction;

(*c*) whether the Government are aware that in Madras there are varying levels affecting the flow of water;

(*d*) whether the Government have ascertained the effect of the rate of the flow of water upon the recording of water meters;

(*e*) whether the Government have considered any proposal to increase the water-supply to Madras by increasing the catchment area of the Red Hills tank; and

(*f*) what the probable cost is of such increase of the catchment area?

A.—(*a*) No.

(*b*) The total cost of purchasing and fixing meters is Rs. 7,20,000 and the *net* revenue expected from them after deducting annuity and sinking fund charges and charges for repairs, maintenance, etc., is Rs. 2,34,000.

(*c*) & (*d*) The Government have no information.

(*e*) No.

(*f*) Does not arise.

Appointment of the staff for the preparation of plans and estimates relating to the Salem drinking water-supply scheme.

* 664 *Q.*—Mr. K. A. Nachiyappa Gounder: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether the staff for the preparation of plans and estimates in connexion with the drinking water-supply to Salem town from the Mettur Reservoir, has been appointed, and if so, when;

(*b*) how many persons the staff consists of; and

(*c*) at what stage the work now is and when it is likely to be finished and brought ready for launching the scheme?

A.—(*a*) *to* (*c*) The Government have already issued orders sanctioning the employment of the following special staff for the preparation of plans and estimates for the Salem Water-Supply Scheme:—

One draughtsman for nine months at Rs. 90 a month.

Two draughtsmen for nine months at Rs. 50 a month each.

One tracer for six months at Rs. 28 a month plus Rs. 2-8-0 Presidency allowance.

One typist for one month at Rs. 30 a month plus Rs. 6-8-0 Presidency allowance.

No staff has however been actually appointed pending the selection of suitable candidates by the Madras Services Commission.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I ask when the order sanctioning the appointments was passed?"

The Hon. the RAJA OF BOBBILI:—"I cannot give the exact date. It was a couple of months back."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know in what stage the preparation of the plans and estimates is?"

The Hon. the RAJA OF BOBBILI:—"There has been no further progress, because, as far as I can recollect, the required staff has not yet been appointed."

Education

Appointment of Physical Directors as per recommendations of the Beasley Committee and the Champion Committee.

* 665 *Q.*—Mr. A. B. SHETTY: Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) the number of Physical Directors recommended to be appointed by the Beasley Committee and the Champion Committee on Physical Education; and

(*b*) the number of full-time officers now in charge of Physical Education work, the duties assigned to them and in the schools visited by them in a year?

A.—(*a*) The reference is apparently to the staff for supervision. The Beasley Committee recommended the employment of five or six Physical Directors for the Presidency while the Champion Committee suggested the employment of one Physical Director for every two districts.

(*b*) There is only one full-time officer, the Assistant Physical Director. His work has not been defined in any Government Order. The number of schools visited by this officer in the year 1934–35 was 63.

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask the Hon. the Minister for Education whether the Governmnt have any proposal to give a separate grant for equipments for games and for physical culture in schools?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"There is no such proposal under consideration now."

[31st January 1936

Mr. V. M. Ramaswami Mudaliyar:—"May I ask how the appointment of physical instructors will then facilitate the promotion of physical culture?"

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"It can be promoted without grants from Government."

Proposals for the better organization and supervision of physical education in schools.

* 666 *Q.*—Mr. A. B. Shetty: Will the Hon. the Minister for Education and Excise be pleased to state whether the Government have under consideration any proposals for the better organization and supervision of physical education work in schools?

A.—None at present.

Mrs. A. Rukmani Lakshmipathi:—"May I know whether the Government are aware of the recommendations made by the Champion Committee?"

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"They are aware of the recommendations of two committees."

Mr. Basheer Ahmed Sayeed:—"May I ask how the Government propose to give effect to their recommendations to improve physical education and instruction?"

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"The Government have already taken action so far as funds permit and further action will be taken as and when funds permit."

Excise

Opening of new arrack shops in Salem district during 1936–37.

* 667 *Q.*—Mr. K. A. Nachiyappa Gounder: Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) how many new arrack shops are proposed to be opened in each of the Revenue divisions in Salem district for the coming year 1936–37;

(*b*) what the reasons are for opening such new shops;

(*c*) what the resolutions passed by the Excise Advisory Committee of each area are in the matter of opening new shops; and

(*d*) whether copies of these resolutions will be placed on the table?

A.—The Government have no information. The Commissioner of Excise, who has power to open new shops, has however issued instructions to Collectors to formulate and place before the Excise Advisory Committees and Excise Licensing Boards definite proposals for opening new shops in localities where illicit distillation or admixture is rife or illicit sales have been

31st January 1936]

found to exist. The opening of new shops is one of the measures which have been taken to check the development of illicit distillation and kindred offences against the Abkari laws which have assumed serious proportions in recent years.

Mr. K. A. Nachiyappa Gounder:—"May I ask whether it is the policy of the Government to open new shops with a view to put down illicit distillation and not to have effective supervision?"

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"That is a matter left to the Collectors, the excise advisory committees and the excise licensing boards. They have to decide whether the opening of new shops will be necessary for preventing illicit distillation."

Mr. G. R. Premayya:—"I want to know if the Hon. Minister still upholds the old policy of prohibition in 20 years?"

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"I do not think that arises here at all."

Mr. K. A. Nachiyappa Gounder:—"May I ask whether it is not necessary that instructions should be issued to the Commissioner and Collectors on an important matter like this?"

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"They certainly know it as well as we do."

Rao Sahib V. I. Muniswami Pillai:—"May I ask whether there were representations from the people of the locality objecting to the opening of new shops?"

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"Not so far as I am aware, Sir."

Mr. G. Rameswara Rao:—"May I know whether in the case of shops declared to have been permanently closed, the Government are reopening them without consulting local opinion?"

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"No, except in one case."

Diwan Bahadur C. S. Ratnasabhapati Mudaliyar:—"May I know whether the existence of illicit sales is due to want of sufficient number of shops or slackness on the part of the excise officers?"

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"It may be due to both or either."

Mr. G. Rameswara Rao:—"May I ask the Hon. Minister whether it is a fact that shops are again proposed to be re-opened in two places in the Anantapur district?"

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"I have no information."

Mr. G. Rameswara Rao:—"May I request the Hon. Minister to look into the matter and consult public opinion?"

[31st January 1936

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"As the answer says, opening of new shops is left to the Excise advisory committees and the Collector."

Mr. K. KOTI REDDI:—"May I know whether illicit distillation may not be due to the costliness of Government liquor?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"If it is the hon. Member's idea that liquor should be made cheap and consumption increased, I must take exception to that policy."

Medical Administration

Special qualifications of the incumbents filling the chair of Bacteriology in the Medical Colleges.

* 668 *Q.*—Mr. P. RATNAVELU THEVAR: Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) whether there is a special cadre in the Medical Colleges to teach Bacteriology;

(*b*) if so, when it was created, and for what reasons;

(*c*) whether any qualifications are prescribed for that post; if so, what the qualifications are;

(*d*) who the present members in that cadre are and what their ranks are; and

(*e*) what their qualifications were at the time of their appointment and whether they have acquired any additional qualifications since then?

A.—(*a*) & (*b*) There is no special cadre for the teaching of Bacteriology in the Medical Colleges, Madras and Vizagapatam. The posts of professors and assistant to the professors employed in the teaching of Bacteriology at the Colleges are included in the cadre of the Madras Medical Service (General Branch)—Men's section. A whole-time post of professorship in Bacteriology in the Medical College, Madras, was created in 1928 as it was considered that the arrangement under which one of the Assistant Directors in the King Institute, Guindy, was entrusted with the teaching of Bacteriology was unsatisfactory. The post of Professorship in Bacteriology and Hygiene in the Vizagapatam Medical College was created in 1925 on the opening of the third-year class in that college. In 1931, the professor was relieved of his work as lecturer in Hygiene.

(*c*) No special qualifications have been prescribed, but appointments to the posts are restricted to persons who possess special qualification or who have been specially trained for Bacteriological work.

31st January 1936]

(d) The officers at present employed in teaching Bacteriology at the Medical Colleges, Madras and Vizagapatam, are—

(1) M.R.Ry. S. Ramakrishnan Avargal, Professor, Medical College, Madras.

(2) ,, C. Ramamurthi Avargal, Professor, Medical College, Vizagapatam.

(3) ,, P. S. Natesan Avargal, Assistant to the Professor, Medical College, Madras.

(4) ,, N. Govindan Pandalai Avargal, Assistant to the Professor, Medical College, Vizagapatam.

(e) The qualifications possessed by the officers mentioned in the answer to clause (d) at the time of their appointment were as follows:—

(1) L.M.S. (Mad.), L.R.C.P. & S. (Edin.), D.T.M. & H. (Lond.)

(2) B.A., M.B.B.S., B.S.Sc. (Mad.)

(3) M.B.B.S. (Mad.)

(4) M.B.B.S. (Mad.)

The first two have not acquired any additional qualification after their appointment to the post.

No. (3) was appointed to the post in August 1933 and has not acquired any additional qualification since then.

No. (4) while holding the appointment was deputed to the School of Tropical Medicine, Calcutta, and he passed the D.T.M. (Cal.). In 1934, he took the M.D. degree (Tropical Medicine) of the Madras University.

Construction of a suitable building for the Queen Alexandra Hospital for Women at Salem.

* 669 Q.—Mr. K. A. Nachiyappa Gounder: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether provision is being made in the Civil Budget Estimates for the year 1936–37 for providing new and suitable buildings to the Queen Alexandra Hospital for Women at Salem;

(b) whether any reference has been received from the District Medical Officer by the Surgeon-General, or from the Surgeon-General by the Government pressing the necessity for early construction of the said buildings;

(c) if so, whether a copy of each will be placed on the table; and

(d) what the number is of maternity cases in the said hospital in each month since June 1935, and what the number is of beds provided there?

A.—(*a*) No.

(*b*) Yes; but there are other schemes too, equally or even more urgent, which could not be taken up for want of funds.

(*c*) No.

(*d*) A statement [a] is laid on the table.

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know from the Hon. Minister when it is likely to be taken up for construction?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I cannot say anything about that."

Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask whether the construction of this building is not as urgent as the improvements to the Medical College at Vizagapatam for which an urgent supplemental grant was moved yesterday?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Comparisons are odious; but I can say for the information of the hon. Member that this scheme has been placed by the Surgeon-General very low on the list of new schemes that have to be undertaken."

Inadequacy of accommodation in the Victoria Caste and Gosha Hospital, Triplicane.

* 670 *Q.*—Mrs. K. ALAMELUMANGATHAYARAMMA: Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) what the number is of confinement cases at the Government Victoria Caste and Gosha Hospital per year for the last five years;

(*b*) how many beds are provided for confinement cases for—

(i) Hindus,

(ii) Muhammadans, and

(iii) others;

(*c*) how many patients are there who are not provided with beds and what their number is per day;

(*d*) whether there is separate accommodation for clean and septic delivery cases; and

(*e*) if not, whether it is the intention of the Government to provide more accommodation for the patients in the case of clean and septic cases?

	Year.	Number of confinement cases.
A.—(*a*)	1930	1,945
	1931	1,874
	1932	1,990
	1933	2,082
	1934	2,255

(*b*) (i) & (iii) together—Sixteen beds in the wards plus twelve beds in the veranda.

(ii) Five beds in the wards.

[a] Printed as Appendix VI on page 325 infra.

31st January 1936]

(c) Average number of patients not provided with beds per day is 23.

(d) No.

(e) Yes. The Surgeon-General has been asked to scrutinize the approximate plans and estimates which have been prepared for the construction of additional wards to provide more accommodation for clean labour and surgical cases.

Mr. BASHEER AHMED SAYEED :—" May I know in what stage the proposals are and whether they have now been forwarded to Government? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" Notice."

Mr. BASHEER AHMED SAYEED :—" May I know if the Hon. Minister will be pleased to expedite the proposals? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" As far as it is possible for me to do so, yes."

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

II.—MOTION UNDER STANDING ORDER No. 4 *RE* POSTPONEMENT OF ELECTION OF THE PRESIDENT OF THE SOUTH KANARA DISTRICT BOARD.

Mr. U. C. SUBRAHMANYA BHATT :—" Mr. President, under the proviso to Standing Order No. 4, I request I may be allowed half an hour after 5 p.m. to-day to enable me to raise a debate on a matter of urgent importance regarding the postponement of election of the President of the South Kanara District Board which was the subject-matter of question No. 656 answered to-day."

Mr. G. RAMESWARA RAO :—" I second it." 11-30 a.m.

* The Hon. the PRESIDENT :—" I think there has been a sufficiently large number of supplementary questions upon this particular subject and it has been practically proved that the Hon. Minister has no further information to give upon this subject. This motion is not going to be a censure motion but it is going to be a motion for securing more information and for having a discussion. I do not think the subject is so urgent as to take half an hour of the time of the House for discussing it. I think Dr. Subbarayan has tabled some short notice questions which perhaps will be answered later on.

III.—SELECT COMMITTEE ON AMENDMENTS TO STANDING ORDERS—ELECTION OF MEMBERS.

* The Hon. the PRESIDENT :—" I have to announce that the following candidates have been duly nominated for election to the Select Committee to amend Standing Orders Nos. 28, 30 and 55 :—

(1) The Hon. the Raja of Bobbili.
(2) Dr. P. Subbarayan.
(3) Mr. C. Ramalinga Reddi.
(4) ,, W. K. M. Langley.
(5) ,, K. P. Raman Menon.
(6) Diwan Bahadur R. Srinivasan.

[The President] [31st January 1936

" As the number of candidates nominated for election is equal to the number of vacancies to be filled, namely, six, I hereby declare the abovementioned members to be duly elected under Regulation II (4) of the regulations for the holding of elections by means of the single transferable vote.

" I nominate Mr. M. S. Sreshta, a Member of the panel of Chairmen, to be a member of the Select Committee."

IV.—BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919, FOR CERTAIN PURPOSES (BILL No. 11 OF 1934).

* The Hon. the PRESIDENT:—" The House will now proceed to discuss the clauses of the City Muncipal Act (Amendment) Bill. Hon. Members might remember that when we last adjourned we disposed of amendment No. 132. With that 132-A, 132-B and 132-C have been disposed of and also 133. Now we shall proceed to item 134 on the agenda."

Diwan Bahadur A. APPADURAI PILLAI:—" From the list of amendments circulated to us you will find, Sir, that clause 5, section 6 (1) (4) and section 6 (2) are yet to be taken up."

* The Hon. the PRESIDENT:—" I might remind the hon. Member that it has been decided that these sections ought to be taken up along with amendment No. 199. That is why I have not taken them up here. I request the hon. Member to move his amendment—item No. 134."

Clause 96.

Section 171-B.

* Diwan Bahadur A. APPADURAI PILLAI:—" Mr. President, I beg to move the amendment standing in my name as follows:

' Delete *section* 171-*B*.'

Sir, it will be remembered that section 171-A regarding metering of house connexions was subjected to a considerable amount of discussion and as a result of that discussion it was deleted. If section 171-A is deleted, 171-B follows suit and it should also be deleted and for the reasons already given in the case of section 171-A it was considered undesirable to impose an additional burden on private owners by providing for meters. It may be stated that the first paragraph of section 171-B which provides that ' Where an owner or occupier applies for a connexion for the supply of water, he shall pay the cost of making such connexion as well as the cost of the meter, if any, and the charge for fixing it ' is necessary and should not be deleted. Sir, we find in section 169 of the original Act there was provision that ' the cost of making the connexion and the cost or hire of meters shall be borne by the applicant and shall be recoverable in the same manner as the water and drainage tax ' but this has been replaced by a revised clause which deals as to how when the applicant is not the owner of the property the cost of supplying these meters should be adjusted. As a matter

31st January 1936] [Mr. A. Appadurai Pillai]

of fact meters are provided in rare cases where they are found necessary as in the case of private residences under the rules now in force. It may be urged that paragraph (1) of this new section 171-B should remain since clause (4) of old section 169 has been deleted. To that extent I am prepared to agree, but I say that the rest of section 171-B which refers to the metering of private houses should be deleted as was done in the case of section 171-A. The Commissioner tells me that 171-B has no connexion with 171-A. I do not know how it has no connexion. Section 171-B which relates to the cost of making the connexion, etc., is necessary corollary to section 171-A. So I submit that section 171-B with the exception of paragraph (1) should be deleted. If the Commissioner says that 169 (4) found in the original Act has been deleted and it has been replaced by another section which has no bearing to the former and therefore it must be provided for in section 171-B, and that for this purpose paragraph 1 of section 171-B should be retained, I can see no objection. Beyond that I do not know what necessity is there for the rest of section 171-B. Clause (2) of section 171-B merely relates to providing connexions at the instance of the Commissioner and such things will be regulated by means of a byelaw framed under section 349. As a matter of course in private residences we find meters already provided for. For instance, in my house there is a meter provided at the cost of the Corporation. What we desire is that this state of affairs should be left undisturbed. Section 171-B which bears close relation to section 171-A should be deleted with the exception of paragraph 1."

The motion was duly seconded.

* Diwan Bahadur C. Natesa Mudaliyar:—" Of course section 171-A has been deleted from the Bill because that section related to compulsory metering of houses. So hereafter all houses will not be compulsorily metered. In the case of a few applicants who apply for connexions, there will be compulsory metering if you allow section 171-B to remain as it is. It reads:

'Where an owner or occupier applies for a connexion for the supply of water, he shall pay the cost of making such connexion as well as the cost of the meter, if any, and the charge for fixing it.'

" So if you remove the words 'as well as the cost of meter', everything will be all right. I request the Raja Sahib to remove the words 'as well as the cost of meter.' If anybody wants water connexion hereafter and if he applies under section 171-B, his house will be metered, and those houses that have already taps will be exempted. So if those words 'as well as the cost of meter' are removed everything will be all right. The Hon. the Raja of Bobbili gave us concession under the previous section 171-A and I hope the same concession will be extended to us now also."

* The Hon. the President:—" I am unable to follow the hon. the Mover of the amendment. Mr. Appadurai Pillai has not been quite definite as to the sub-clauses that he wants to be deleted, but has moved 11-45 a.m.

[The President] [31st January 1936

for the deletion of the whole clause 171-B. Then as far as I understand Dr. Natesa Mudaliyar, he wants to delete the whole clause 171-B."

Diwan Bahadur C. NATESA MUDALIYAR:—" Sir, when clause 171-A was deleted, we thought that metering of any sort was abandoned altogether. But on further consideration we found that was not the case. If the Hon. the Raja Sahib would now consent to delete the reference to metering and the cost of metering in this clause, we will gain our object. I would also request Mr. Appadurai Pillai to agree to my amendment."

* Diwan Bahadur A. APPADURAI PILLAI:—" Sir, I wanted that the whole of clause 171-B should be deleted. However if that was not acceptable, I proposed that sub-clause (1) alone might be retained while the other sub-clauses might be deleted. My contention was that clause 171-B should go inasmuch as clause 171-A has been deleted, for the simple reason that the provision made in 171-B has already been made in 169-A."

* The Hon. the RAJA OF BOBBILI:—" Sir, there seems to be some misunderstanding with regard to this amendment. When the Council dealt with this Bill last time it was agreed that clause 171-A which introduced compulsory metering of all houses should be deleted. Consequent upon that decision the other relevant sections have been examined carefully to see whether it is necessary to carry out any consequential amendments. It has been found that it is sufficient if section 172 is amended and I have also given notice of an amendment to that section yesterday. As far as 171-B is concerned the decision of the Council last time was only to delete the provisions of compulsory metering. But it was never intended that the Corporation should be deprived of the power of metering any house according to their by-laws. If clause 171-B is carefully read it will be seen that all that it says, is:

'Where an owner or occupier applies for a connexion for the supply of water, he shall pay the cost of making such connexion as well as the cost of the meter, *if any*, and the charge for fixing it * * * '

" The words 'if any' clearly show that in all cases metering is not compulsory and only when a connexion falls under the by-laws of the Corporation in this respect, the Corporation will have the power to fix a meter and recover the cost thereof. I understand that clause 171-B more or less follows the present by-laws of the Corporation and as they do not make the metering of every such connexion compulsory, I feel, Sir, the clause may remain as it is. I have therefore to oppose the amendment."

Mr. BASHEER AHMED SAYEED:—" Sir, I was myself unable to follow the arguments advanced by the hon. Member for the Indian Christian constituency. He seemed to be thinking that there was no necessity for section 171-B after clause 171-A had been deleted. Not at all. Whether section 171-A remained or whether it is deleted, all the same there is every necessity, logical necessity, for the retention of section 171-B. 171-B comprises three categories of cases: one is connexion and metering given on the application of the owner or the occupier

of a house; the second is connexion and metering done at the instance of the Commissioner; and the third is the case of the occupier having a right of recovery against the owner when the connexion and metering is done on his application. It is essential that the Corporation should be empowered to recover whatever it might have spent in this respect either at the instance of the Commissioner or at the instance of the owner or occupier. It is also essential that the occupier of the house should be enabled to recoup himself in case he has paid the cost of connexion and metering to the Corporation in default of the owner. Therefore this clause is not dependent to any extent upon section 171-A at all. Section 171-A has been deleted. 171-B gives power to the Commissioner to recover the cost of metering and connexion. Then there is a further advantage in retaining this section. It lays down that all sums payable under sub-section (1), sub-section (2) or sub-section (3) shall be recoverable in the same manner as the water and drainage tax. Hitherto there was no such provision. It is necessary in the interests of the finances of the Corporation that they should be enabled to recover the cost of connexion and metering in the same manner as the drainage or property-tax. This is a very comprehensive clause. It should not be deleted, but retained. As regards Dr. Natesa Mudaliyar . . ."

Diwan Bahadur C. NATESA MUDALIYAR:—" Sir, I have been completely satisfied with the explanation given by the Hon. Minister."

Mr. BASHEER AHMED SAYEED:—" The cost of connexion cannot be given up; it must always be paid by the owner. That is the usual practice. The owner of a house who gets the benefit of the connexion given by the Corporation must pay the amount to the Corporation and the Corporation must be enabled to recover any expenditure that they might have incurred in this behalf . . ."

* The Hon. the PRESIDENT:—" The hon. Member is arguing even though Dr. Natesa Mudaliyar has been convinced."

* Diwan Bahadur A. APPADURAI PILLAI:—" Sir, I am sorry my contention has not been followed by the hon. Member. Either I have not made myself clear to him or he has not had the patience to understand me. He says that section 171-B provides for the recovery of the cost of connexion and metering. I pointed out that provision has been made for that already in sub-clause (4) of section 169. Unfortunately that section has been replaced by another section, which has no bearing on the question of recovering the costs. That was why I suggested that if necessary sub-clause (1) of section 171-B might be retained. I do not find any need for the rest of the section, because all that it covers has been provided for in the by-laws of the Corporation. That is my contention. If Dr. Natesa Mudaliyar is anxious to withdraw his amendment, I am not anxious to withdraw mine. I have carefully considered 171-B and deliberately put in my amendment."

* Rao Bahadur P. C. MUTHU CHETTIYAR spoke in Tamil of which the following is a summary:—

" Sir, I hope that Diwan Bahadur A. Appadurai Pillai will not withdraw his amendment. It is quite necessary. A good deal of inconvenience will be caused by metering the water connexions. It has

been said that only new connexions will be metered and old ones will be left as they are. I do not understand what is meant by a new connexion. The word 'new' will require a lot of interpretation. Suppose a house takes a water connexion to-day and to-morrow owing to some repair and remodelling of the house the pipe line has to be diverted along a different path; will that be called a new connexion or an old connexion? Sir, we do not want metering in any shape or form. That was the decision of the Council on the last occasion. There should be no distinction between old and new connexions so far as dwelling houses are concerned. For, any water that is used in dwelling houses will be used only for domestic purposes. They will not use it for sailing ships and boats on it. But the case of gardens is different. Metering is necessary in their case. But no metering should be done in the case of dwelling houses. I hope that Dr. Natesa Mudaliyar will not change his mind. I am sure that Diwan Bahadur Appadurai Pillai's proposal will be acceptable to the House and will give all-round satisfaction. I urge that clause 171-B should be deleted."

Raj Kumar M. A. MUTHIAH CHETTIYAR of Chettinad:—" Sir, there is only one point which I would like the Hon. the Chief Minister to clear up before the amendment is put to vote. I understand that two issues are involved in this question: one is the question of compulsory metering of houses. I think Mr. Appadurai Pillai is afraid that the retention of this clause will mean the compulsory metering of all houses. I may assure him that that is not the case. The other question is whether the party concerned should be asked to pay for the meter. I think that this clause has not made the position clear. Sub-clause (1) says:

'Where an owner or occupier applies for a connexion for the supply of water, he shall pay the cost of making such connexion as well as the cost of the meter, if any, and the charge for fixing it.'

" When an owner or occupier applies to the Corporation that a meter may be fixed to his house connexion, I think he is bound to pay the cost of metering. That is what the sub-clause says. The second sub-clause says that where the Commissioner requires a particular house connexion to be metered, he should be empowered to collect the cost of metering from the owner or occupier. But at the same time if the Council of the Corporation passes a resolution that the Commissioner need not collect the cost of metering in such cases, then he would not do so. But in cases in which an occupier or owner voluntarily requests the Commissioner to fix a meter for his house connexion, then he will have to pay the cost of metering. I do not think it is the intention of this section to enable the Commissioner to collect the cost of metering in cases in which the Council of the Corporation by a resolution decides that the cost need not be collected, irrespective of the fact whether the initiative to have the connexion metered is taken by the Commissioner or the owner or occupier. Once these points are clearly agreed upon, we must amend this clause in such a way as to make it clear that the Corporation has the power to decide that the cost of metering need not be collected in certain cases. Even if the Corporation so decides, if the

31st January 1936] [Mr. M. A. Muthiah Chettiyar]

first sub-clause is retained as it is, the Commissioner is bound to collect the cost of metering from owners or occupiers who apply for metering of their house connexions. So we have to amend sub-clause (1) to make it consistent with the latter sub-clauses."

* Mr. R. Madanagopal Naidu:—" Sir, I am afraid the previous speaker has not put forward clearly the present state of affairs in the Corporation. Sir, nobody is going to ask the Corporation to meter his house connexion. Therefore that case may be completely ruled out. According to the by-laws framed under section 349 of the City Municipal Act, the Corporation is entitled to meter compulsorily the connexions of houses where there are more than two taps and also of bungalows where water is used or is likely to be used for gardens and non-domestic purposes. In these cases, a person who wants a connexion is asked to pay the charges of metering along with the charges of connexion before the connexion is given to him.

" If it is the desire of the Kumara Raja of Chettinad, ex-Mayor, that the cost of the meter need not be recovered from the person who 12 noon. wants such a connexion, I shall be very glad if the Government are prepared to accept it. There are two sorts of cases, one, the house which has necessarily to be metered because of the use of water for non-domestic purposes and on account of the fact that it has more than two taps. There is then the case of the house which the Commissioner has power to ask to be metered, because water is being wasted. When the house is metered, it will be too hard to ask the house-owner to pay for the meter. That is the second case provided for. I shall certainly be glad if the House will accept the amendment but I have my own doubts about it."

Mr. T. C. Srinivasa Ayyangar:—" Sir, as a mufassal man, I find it difficult to follow the discussion. After I heard so many hon. Members, it appears to me that it is a question of language rather than of rules. I understand that the question of compulsory metering has been abandoned. I understand further that there are cases where in the discretion of the Commissioner or in certain circumstances, metering can be compulsorily made; it is not in the case of every one but in certain specific classes of cases. If, in cases where more than one tap is required for garden and other purposes, connexion is to be allowed, the house-owner has to pay the cost of metering. That, I think, is the question which is involved. As has been pointed out by the Hon. the Chief Minister—these words are repeated here, i..e, ' if and where metering is really necessary '—then alone the cost is recoverable; it does not connote any idea of compulsory metering in an unpractical way and recovery of the cost. That is what I understand. It is only appropriate that hon. Members should be enabled to follow the discussion here. I merely seek information; hon. Members who are conversant with the City Municipal affairs may be pleased to elucidate the matter further."

The amendment was put and lost.

* Mr. C. Basu Dev :—" Sir, I had given notice of this amendment long before the Hon. the Chief Minister kindly consented for the deletion of section 171-A. The object of my amendment is to differentiate between two kinds of water-supply, one for domestic purposes and the other for non-domestic purposes. But in view of the fact that the Hon. the Chief Minister's consent was given on the understanding that the present powers of the Corporation to meter such houses at their discretion will be retained, I do not think I will be justified in moving these amendments. I therefore do not move these amendments."

Clause 96 as amended was put and carried.

Clause 97 (i) (*a*).

Section 172.

* The Hon. the Raja of Bobbili :—" Sir, I beg to move the following amendment :

'*In new clause* (*b*) *of sub-section* (1) *of section* 172, omit *the words, figures and letter* " *section* 171-*A or of*." ' "

Mr. T. Sundara Rao Nayudu :—" I second it."

The amendment was put and carried.

* Diwan Bahadur C. Natesa Mudaliyar :—" Sir, I beg to move the following amendment :—

' (1) *In sub-section* (1) *of section* 172 *of the Act*, for *the word* " *may* " *in line* 1, substitute *the words* " *shall not*."

' (2) For *sub-section* (1) (*a*), substitute *the following* :
(*a*) " *unless the premises are unoccupied*."

' (3) *At the end of sub-section* (1) (*d*), add *the following words* : " *such tax shall be recovered as any property-tax due*."

' (4) *In sub-sections* (1) (*e*) *and* (*f*), for *the word* " *if* " substitute *the word* " *except*."

' (5) *In sub-sections* (1) (*g*), (*h*) *and* (*i*) for *the word* " *if* " substitute *the word* " *except*."

Sir, my object in moving this amendment is that under no circumstances water should be cut off from a premises. Water is necessary, Sir, whether the man pays his water-tax or not; a person should bathe, he should drink, he should clean his house. If you cut off the water-supply, how can the persons living in that house drink, bathe or clean the house? If a man does not pay the property-tax due on a house, are you preventing him from occupying that house? No, you only distrain the property; similarly if he does not pay the water-tax, you should not cut off the water-supply. You may take his property, distrain his property and collect the tax as you collect the property-tax. I am giving one instance. There was a house in Viraraghava Mudali street, Triplicane, where 500 people assembled for a marriage, but water was cut off exactly at the time when they were going to take their

31st January 1936] [Mr. C. Natesa Mudaliyar]

food. How are these 500 people to wash their hands, drink water, etc. Immediately I telephoned to Diwan Bahadur Venkatanarayana Nayudu who was the Commissioner then; he came immediately and had the tap opened. Five hundred persons were saved that day. Water-supply should not be interfered with. As I said, even coffee-hotels should not be metered. Water-supply should not be interfered with because water is most essential; you can recover the water-tax by distraining the property. All that, you can do; but never cut off water-supply; that is my intention; that is why I move my amendment."

The motion was duly seconded.

Mr. K. P. Raman Menon:—"Sir, I wish to add a few words to what Dr. Natesa Mudaliyar has stated. I agree with him in thinking that, if water-tax has to be collected, it can be recovered just as you recover any other tax. Further, Sir, if water-supply is cut off, will it not make the place more insanitary, and the persons who are occupying the particular place liable to ill-health. Are you justified in making the particular locality insanitary, by stopping the water-supply? This aspect of the question may be considered in coming to a conclusion as to whether water should be stopped for failure of payment of dues of water-tax. That is a very strong argument in support of the position taken up by Dr. Natesa Mudaliyar."

* The Hon. the Raja of Bobbili:—"Sir, this question was carefully considered in the Select Committee. It was felt that in the interest of the speedy collection of revenues by the Corporation, the existing provision should be retained. No doubt this power is given to the Corporation. I understand that, in actual practice, every attempt is made to collect the arrears before water-supply is actually cut off. I am sure that the actual instances where the executive authorities would have recourse to this section, will be very few. The existence of such a power would facilitate speedy collection. I do not see why the Corporation should be compelled to supply water to those who refuse to pay the tax due to the Corporation. I must therefore oppose this amendment."

Diwan Bahadur C. Natesa Mudaliyar:—"Sir, if the provision is to be used only in extreme cases, I have no objection to withdraw my amendment. But in some cases one man occupies the house and he goes away without paying his dues as water-tax; and then another man comes and occupies the house. Is he to be denied water? The Commissioner is here; I hope this provision in the Bill will be used in only extreme cases and that the Commissioner will be as lenient as possible. With these words I withdraw my amendment."

Mr. T. S. Ramaswami Ayyar:—"Sir, it must be open to the other Members to oppose the withdrawal and to support the amendment; it is only then hon. Members would be able to give their votes properly."

* The Hon. the President:—"The mover of the amendment has already replied; now I have only to put the amendment to the vote of the House. If hon. Members are not very alert, it is not my fault."

The amendment was put and lost.

Clause 97, as amended, was put and carried.

Clause 98.

Section 178.

12-15 p.m. * Mr. C. BASU DEV:—"Mr. President, Sir, I beg to move the amendment that stands in my name, i.e.—

'*In sub-section* (2) *of section* 178 *of the Act, for the words "one hundred feet," the words "fifty feet" shall be substituted and sub-section* (3) *of section* 178 *of the Act shall be omitted.*'

Sir, the object of my amendment is to make matters easy for house-owners in this city who may be called upon by the Commissioner to construct a drain leading from their houses to a place specified by the Corporation for the discharge of the sewage or dirty water.

"Sir, most of the richer quarters are very adequately supplied with a net-work of drains; it is only in the poorer and slum areas that drains are not to be found near the houses. If poor people are asked to construct drains over a length of 100 feet, it will, in my opinion, work a great hardship on them. In order to minimize such hardship, I suggest the acceptance of this amendment, so that owners can only be asked to construct drains for not more than 50 feet, leaving it to the Corporation to complete the remaining length if any of the drain. With these words, Sir, I move the amendment."

Diwan Bahadur A. APPADURAI PILLAI:—"I second it."

* The Hon. the RAJA OF BOBBILI:—"Sir, this question has also been carefully considered by the Select Committee and it was decided that the existing provision should be retained. The hon. Member who moved this amendment has not quoted any case where there has been any real hardship in the working of this section. I do not therefore see why we should change the present state of affairs. I have to oppose the amendment."

Mr. BASHEER AHMED SAYEED:—"Sir, the Hon. Minister has opposed the amendment already, and I may also be permitted to add that the amendment is not in the interests of sanitation or of the persons who will be affected by this amendment. If within 100 feet from the house there is a drain, then the section calls upon the owner or the occupier to have a connexion with the Corporation drain; but if the Commissioner is to call upon an owner or an occupier to do so only if there is a drain within 50 feet from the house, it would mean that we will be adding to the insanitary condition of the area. In other words, all those houses that are not within 50 feet from the drain will have no connexion, and the result will be that water will stagnate and cesspools will be formed. On the other hand, my friends like Diwan Bahadur Natesa Mudaliyar and others have been stating that cesspools

31st January 1936] [Mr. Basheer Ahmed Sayeed]

must be got rid of. If we are to do that, we must naturally increase the distance from 100 to 200 feet and more. This amendment is therefore a retrograde step from the point of view of the sanitation of the city."

* Mr. C. Basu Dev:—" Mr. President, the hon. Member who has just sat down does not seem to have heard my speech correctly and followed it to the very end. I said that the maximum length over which an owner may be asked to construct the drain should be 50 feet and nothing more. In fact, I said that the drain for the remaining distance if any should be constructed by the Corporation. I never said . . ."

Mr. Basheer Ahmed Sayeed:—" But the amendment is not that."

* Mr. C. Basu Dev:—" Will my hon. Friend see the list of amendments? He will notice that further down I have given notice of another amendment which will complete the idea of my present amendment. In moving this amendment, I have made it quite clear that the object is not to leave the dirty water to stagnate, but to make the Corporation do its part of the duty by constructing the drain over and above 50 feet.

" The Hon. the Chief Minister stated that I had not quoted any cases of hardship. I am afraid, Sir, I am not in a position to quote cases of that kind but I can distinctly visualise the hardship but as I said at the beginning, the bulk of the people who will be affected by this provision are the poorer people, and I am sure they will certainly feel it hard to meet the cost of such construction. If the Commissioner who is here will kindly tell us in a detailed manner what exactly is the case at present and if in his opinion the present provision does not entail any hardship on the poorer people, I am prepared to withdraw my amendment."

Mr. R. Madanagopal Nayudu:—" Mr. President, Sir, the practical difficulty in accepting the suggestion of my friend Mr. Basu Dev which I want to point out is that the Corporation has no power under the Act to do construction work on private lands. The cost may be surcharged if any building is erected on private land. Therefore, the construction of 50 feet of drain on private land is beyond the provisions of the Act. Even if this amendment is now accepted, I think it will be *ultra vires* of the powers of the Corporation, and I do not think this Council will legislate beyond the provisions of the City Municipal Act. At any rate, I do not think that is the intention of the mover. As it is, Sir, it will not be competent for the Corporation to spend any money on the construction of such drains."

Mr. C. Basu Dev:—" All the drains are not on private land."

Mr. Basheer Ahmed Sayeed:—" Is my friend entitled, Mr. President, to talk twice? "

[31st January 1936

* The Hon. the PRESIDENT :—" The hon. Member was, I thought, going to withdraw, but he seems to make a speech.

" I shall now put the amendment to the vote of the House."

The amendment was put and lost.

* Diwan Bahadur C. NATESA MUDALIYAR :—" Mr. President, I move that—

> '*In sub-section* (3) *of section* 178 *of the Act in line* 7, for *the words* " *a closed cesspool or other* " substitute *the words* " *any sanitary* ".'

Sir, this question also has been discussed in the Committee; but I want to impress on the Hon. the Chief Minister that there is no necessity at all for cesspools in the City of Madras. Nowhere in any civilized country are these cesspools encouraged. They have now transplanted a chapter from the Calcutta Municipal Act on cheris, in this Bill. But there the word 'cesspool' never occurs. I consulted the sanitary authorities such as the Director and an Assistant Director of Public Health. Both of them said that 'cesspool' is not a desirable way of disposing of sewage. When there is a cesspool in front of a house, dirty water accumulates. Even if it is a closed cesspool, little boys take away the lid most probably to commit nuisance inside, and mosquito breeds in the cesspool. Again, when emptying the cesspool water into the sewage carts—they may be closely sealed carts—sewage water is spilt on the floor. The whole place is made dirty and then again when the cart is dragged, dirty water is spilt on the road. The whole process is nasty from beginning to end. I therefore request the Hon. the Chief Minister to consult the Director of Public Health in this matter. Cesspools must be avoided, and we should not have even a single cesspool in the city, if we are really a civilized people supposed to be in perfectly sanitary surroundings."

* Mr. D. M. REID :—" Mr. President, I think there will have to be a consequential amendment in the same sub-section, some lines further on where also the word 'cesspool' occurs—of course if this amendment is to be carried. I suggest that such an amendment may also be considered now.

" As regards my friend's amendment, though I heartily reciprocate his sentiments, I am not in favour of the proposal, because I think the present method is the more practical way of enforcing a proper disposal of the sewage . . ."

* The Hon. the PRESIDENT :—" May I point out to the hon. Member that the amendment has not yet been seconded? "

Mr. V. M. RAMASWAMI MUDALIYAR :—" I second the amendment, Sir."

* Mr. D. M. REID :—" Sir, this is a matter in which there can be no very strong feeling either way; we only want to do what is really best in the interests of sanitation. As far as I can see, the question

31st January 1936] [Mr. D. M. Reid]

which this House has now to decide is: what is the position of a house situated, say, some 200 feet from a road where there is a public drain and up to which naturally a landowner will often not be willing to erect a drain? If it is proposed to permit of a cesspool being constructed in such cases—and I think Mr. Natesa Mudaliyar will agree that there can be good cesspools from the point of view of sanitation—the danger is that it will not be kept in a decent condition, or rather that it will be badly kept. It must be kept in such a way that the sullage could not go into the adjoining land. I feel that if these cesspools are properly kept and looked after, they are an excellent way of getting rid of the sewage water."

* Mr. T. Sundara Rao Nayudu:—" Sir, what my hon. Friend Mr. Natesa Mudaliyar stated has a great deal of force, but as a matter of practical politics, I do not know where it will end if we are to take away these cesspools. At present, Sir, in the City of Madras, if we take away these cesspools and insist upon every house-owner to fix any other sewage plant, the result will not be quite satisfactory. I think there are to-day in the city about 7,000 to 8,000 cesspools. If we take away these cesspools and ask all the 7,000 and odd houseowners to construct some other sewage plant for disposing of the sewage water from their houses, it will be working a very serious hardship on them. At the same time, I deprecate the idea of having cesspools in front of houses. The present practice is this: the sewage cartman comes there, opens the cesspool, pours the water into the cart, leaves the lid open and goes away and as a result mosquitoes begin to breed and we find it absolutely impossible to keep the surroundings in a perfectly sanitary condition. However vigilant the Commissioner of the Corporation may be, he will not be able to deal with the menial servants of the Corporation properly. Their civic conscience is not so great as to make them do their duties automatically and close the cesspools with their lids after the water is poured out into the carts. I therefore suggest that for the present we can leave the provision as it is and request the Commissioner provisionally to see that wherever there is a cesspool now, the house-owner is insisted on to have some other sewage disposal plant constructed. At present it is not advisable to take away these cesspools and make the place more insanitary than now. With these words, Sir, I oppose the amendment."

* Diwan Bahadur C. S. Ratnasabhapati Mudaliyar:—" Mr. President, I do not know whether the hon. Mover of the amendment, Dr. Natesa Mudaliyar, has seriously thought about the consequences of his amendment. Mr. Sundara Rao Nayudu has just pointed out that there are about seven or eight thousand cesspools in the town and unless the Corporation provide an effective system of drainage they should remain as they are at present. If any other effective system of drainage is introduced then it may be all right. According to the amendment of my hon. Friend Dr. Natesa Mudaliyar, the Commissioner has to call upon the owner of the house to provide sanitary or other sewage plant. We do not know what the cost of the 'other sanitary' or other 12-30 p.m.

[Mr. C. S. Ratnasabhapati Mudaliyar] [31st January 1936

sewage plant will be. Probably it may be several hundreds or several thousands of rupees. If you ask the house-owner to remove the cesspools and provide some other sanitary sewage plant, how will it be possible for a poor owner to provide it at such a cost? Because there is no other system of drainage he has been provided with a cesspool and if he is asked to close it down and substitute it by other sanitary or sewage plant, what can he do? Is he to provide a small pump in front of his house to dispose of the matter by working the pump; and then what will be the cost of such a scheme for a poor house-owner and where will the water be let out finally? I think it will only be inflicting a hardship on these several thousand owners if they are asked to make such an arrangement in front of their houses."

Mr. Basheer Ahmed Sayeed:—"Mr. President, Sir, there is another aspect of the matter which I would like to impress upon the House in connexion with this amendment. That is, I would invite the attention of hon. Members to read the earlier portion of this section. The cesspools are an unavoidable necessity; and it is not that they have been kept there by way of luxury. If in the opinion of the Commissioner any premises are without sufficient means of effectual drainage, then the cesspool is brought into existence. In the second place, no part of the premises should be situated within 100 feet of a public drain or other place set apart for the disposal of drainage. Then only the Commissioner is called upon to construct a closed cesspool or other sewage disposal plant. Now, what the hon. Mover of the amendment seeks to achieve is only this. I do not see why there should be any difficulty for the Commissioner of the Corporation to call upon the owners to provide sanitary or sewage disposal plant; and nothing prevents the Commissioner from providing such sanitary arrangements at all. The very fact that the Corporation does anything will imply that it is subject to the sanitary and healthy condition of the locality. I do not see that any purpose will be served by this amendment. Cesspools were devised as a temporary measure before the area was improved or before underground system of drainage was carried into effect in a locality. If the cesspools are going to be abolished and if sanitary or sewage disposal plant is to be installed in its place, in the interval there will be a lot of nuisance committed with the consequent ill-health in the locality. Then, Sir, does my hon. Friend, the Member for the City of Madras, who is always a friend of the poor, imagine what the cost of installing such a sanitary or sewage disposal plant would be? As a matter of fact, the places that will be affected by this amendment are after all a small area where poor people live, and if you are going to ask these poor people to put up such a plant, the cost would be enormous and it will be a great hardship to them indeed. And, even if there is no hardship, I do not see that there is anything in the section which prevents the Corporation from putting up or creating a device for the satisfactory disposal of sewage. I would therefore suggest that as a temporary and unavoidable necessity these closed cesspools must be kept on and if they are abolished, it will land us in very many difficulties particularly in regard to sanitation and public health."

* Diwan Bahadur A. APPADURAI PILLAI :—" Mr. President, I would like to support very heartily what has been stated by my hon. Friend, Diwan Bahadur Ratnasabhapati Mudaliyar. If instead of the words 'cesspool,' the words suggested by Dr. Natesa Mudaliyar are introduced, it will be hard on some of the residents of the City of Madras. There are localities where the drainage arrangements have not been extended or taken up. For instance, there are places like Kilpauk and Chetpat, where drainage arrangements have not been made by the Corporation. If you take my own case, there is a cesspool in my house, it is very much neglected except for the Corporation man who comes there once in six months to clean it; and we are threatened with prosecution for rearing mosquitoes. So long as drainage arrangements are not made, the cesspool is a necessity. If, instead of the words 'cesspool' the words 'sanitary or other sewage disposal plant' are substituted, we do not know what new arrangements Corporation may turn up any fine morning and demand. It will really work a hardship on the poor owners of houses if this amendment is accepted. Here I wish to quote an instance. The Commissioner of the Corporation issued an order last year or so that all the houseowners should put up small bunks just in front of their houses so that the scavengers might deposit the night soil in them, and we houseowners had to knock down a portion of our compound walls for erecting these small bunks for the scavengers to use them. The result was that the whole line of houses have got these bunks. The moment the man comes out of the house, he feels nothing but the stench which causes great inconvenience. But, Sir, unfortunately or fortunately, these bunks are not now used and no scavenger keeps the tub there. I therefore think that the section in the Act should be allowed to remain as it is, because the cesspool is a necessity until at any rate the drainage system is extended to some of the outlying parts of the town. I would join hands with my hon. Friend, Diwan Bahadur Ratnasabhapati Mudaliyar and Mr. Basheer Ahmed and ask Dr. Natesa Mudaliyar to drop his amendment."

* Khan Bahadur JAVAD HUSSAIN KHAN SAHIB Bahadur :—" Sir, I think, my hon. Friend is wrong when he says that the Corporation has ordered that the night soil should be deposited in such bunks. The order refers to refuse. The fact is that the house-owners and occupiers deposit refuse into dust bins so as to make it easier for the conservancy carts to gather it. . ."

* Diwan Bahadur A. APPADURAI PILLAI :—" On a point of personal explanation, Mr. President. Probably the Commissioner is not aware of it, and if he will only come with me I shall show him a number of such bunks which have been constructed along the Poonamallee High Road. As a matter of fact those bunks remain unused; and I believe it is within the knowledge of the Hon. the President also that in the Poonamallee Road there are a number of such bunks. We have been asked to construct them though they remain unused. I do not refer to dust bins that are provided in front of our houses . . ."

[Mr. A. Appadurai Pillai] [31st January 1936

* The Hon. the PRESIDENT:—" Order, order, points of explanation must be rather short."

* Khan Bahadur JAVAD HUSSAIN KHAN SAHIB Bahadur:—" Sir, I still feel that my hon. Friend is not correct. However, I accept his invitation to go with him to inspect such places."

* Diwan Bahadur C. NATESA MUDALIYAR:—" Mr. President, as I stated in the beginning, we discussed the point in the Select Committee. Because I wanted to impress upon the Hon. the Chief Minister the necessity for lessening the number of cesspools I moved this amendment. The Director of Public Health and the sanitary authorities are against this; but as regards the point raised by my hon. Friend, Mr. Reid, I can only tell him that there are various ways of disposing of the sewage in big towns. For instance in Diwan Bahadur Venkatanarayana Nayudu's house, there is a big septic tank system existing and so in other bungalows also they can do like that. Then as regards the observations of other hon. Members, namely, what should be done in places where there is no underground drainage system, I would ask them, what is it they were doing when there was no such system previously in the City of Madras. Then there were only the side drains. Even now I think instead of these cesspools, the erection of any sanitary sewage disposal such as even side drains in the places where there are no underground sewers will be a satisfactory thing to do. It is not such a big thing as Mr. Ratnasabhapati Mudaliyar thinks. If the poor owners are not able to do it, let the Corporation do it, by taking up the work on behalf of the owner and then realizing the cost in instalments as they do at present in the case of flush-out latrines. Anyhow, cesspools ought not to be continued. Even now, I am of the opinion that it is a disgrace to the Corporation to have cesspools especially in a civilized Corporation as the City of Madras. The Local Government may spend as much as possible to see that other ways are introduced instead of the cesspools. I hope our Commissioner will consult the Director of Public Health and others to see how best to dispose of the sewage without these cesspools. I leave it to the Hon. the Chief Minister to give us as much money as possible so that these cesspools may be displaced by other sanitary arrangements. All I want is that our city should be as sanitary as possible. I withdraw my motion."

Mr. T. S. RAMASWAMI AYYAR:—" Sir, if I rise to speak, it is not on the motion itself, but on the way in which amendments are put forward and immediately withdrawn. It puts us all in an embarrassing position. We do not know how an amendment is going to be dealt with in this House. Arguments are adduced in favour of an amendment. After the reply, when the mover of the amendment withdraws, arguments are advanced in favour of the amendment, but still he says the amendment is withdrawn. In that state of affairs, it is difficult for us to follow the discussion. I therefore formally oppose the motion for withdrawing the amendment."

31st January 1936] [Mr. T. S. Ramaswami Ayyar]

* The Hon. the PRESIDENT :—" I will now put the amendment to the vote of the House. The question is—

' *In sub-section* (3) *of section* 178 *of the Act, in line* 7, for *the words " a closed cesspool or other,"* substitute *the words " any sanitary ".'* "

The motion was put and lost.

Clause 98 was put and carried.

Clause 99.

Section 179.

* Rao Bahadur P. C. MUTHU CHETTIYAR (Tamil) :—" I move—

' *Omit clause* 99.'

" செக்ஷன் 179 ஐ ஒமிட் செய்யவேணுமாய் அமெண்டுமெண்டு. ப்ளாக்கா யுள்ள ஸ்டோர் வீடுகளில் பொதுவாக டிரையினேஜ் கட்டவேண்டியதாக கமிசனர் தீர்மானித்தால் அந்த சிலவை சொந்தகாரரிடம் வரி வசூலுக்கு ஒப்பந்தம் வசூலிக்கவேணுமாய் சிலெக்ட்டு கமிட்டியார் சிபார்சு செய்திருக்கிறதை நியாய மில்லை என நினைக்கிறேன். 12-45 p.m.

" ப்ளாக்காகவோ ஸ்டோராக கட்டுவதால் அதற்கு வரிகளை கார்புரேசனில் விதித்து உங்களுக்கு வசூலிக்க ஏதுவாகிறது. பப்ளிக் ஸ்டிரீட்டில் எப்படி டிரையினேஜ் கட்டுவதுபோல் பொது காரியமான டிரையினேஜூம் கார்புரேசனில்தான் கட்டவேணுமே தவிர பிரைவேட் என்பதற்கு வித்தியாசம் காட்டப்படாது. இது முன் ஆக்ட்டிலும் இல்லை என எண்ணுகிறேன். இந்த மாதிரி ஸ்டோராக கட்டிவிடுவது பெரும்பாலும் ஏழைகள் குடியிருக்கவே உபயோகமாயிருக்கும். "

Mr. K. A. NACHIYAPPA GOUNDER :—" I second it."

The Hon. the RAJA OF BOBBILI :—" The amendment of my hon. Friend is to omit clause 99. In his speech moving the amendment he wants to confine it to the portion relating to recovery. I think such a power is necessary to recover the cost of any work. I oppose the amendment."

Mr. R. MADANAGOPAL NAYUDU :—" One thing I want to make clear. Mr. Muthu Chettiyar has stated that the houses of the poor should also be given drains. No Corporation or other public body would oppose such a thing. The reference to the Commissioner constructing and recovering the cost is in regard to work in the private land. Therefore the cost is made recoverable by the Commissioner. The Corporation is not bound to provide sewers in private lands."

The amendment was put and lost.

* Mr. C. BASU DEV :—" I beg to move—

' Insert *the following as section* 179-*A* :—

" *The Corporation shall provide and maintain a system of drains which shall be not further than* 50 *feet from any premises in the city and wherever such a distance cannot be kept, the*

[Mr. C. Basu Dev] [31st January 1936

Corporation shall at its own cost construct the portion of the drain in excess of the 50 feet to effect connexion between the premises and the Corporation drain."'

Sir, to me it seems that this amending Act is making provisions fastening more and more obligations and liabilities on the citizens without an equal burden of obligations on the part of the Corporation. The Corporation collects taxes by coercive measures even. If the Corporation had any claim or hopes for any claim for civilization it must have a perfect system of drains to drain away the dirty water. No drain can be more than 50 feet farther from any house in the city. That, I think, is a simple proposition with which my hon. Friend the expert Member, the Commissioner of the Corporation, the Mayor, the ex-Mayor of the Corporation of Madras and the councillors will agree. If they agree I do not think there will be any difficulty in accepting the motion."

Rao Bahadur P. C. MUTHU CHETTIYAR :—" I second it."

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR :—" I am sorry I have to oppose the motion of Mr. Basu Dev. I was in favour of reducing the distance from 100 to 50 feet. Corporation will have to build drains even when the houses are in far off places. If in an area measuring 10 or 15 acres a hut is constructed in a corner and sullage water stagnates, if this amendment is passed, it will make it obligatory on the Corporation to provide the drain at public cost to help a single individual. So I oppose the amendment."

* Mr. T. SUNDARA RAO NAYUDU :—" Mr. President, Sir, the idea that prompted my hon. Friend Mr. Basu Dev is no doubt very good. I wish this resolution is carried and put into practice. But let us see if this can be put into practice at all. If this resolution is carried and if the Commissioner is asked to execute work according to the resolution that is to be passed the commitment of the Corporation will be so great that we shall have to either raise the tax or come to the Government for contribution either whole or in part. In my estimate if this resolution is passed the Corporation may have to spend about 10 to 15 lakhs of rupees to see that every house is provided with a drain which is at least 50 feet from its sewage outlet. My hon. Friend, Mr. Ratnasabhapati Mudaliyar, has already stated that every bungalow will insist on its drain being connected at the cost of the Corporation. There are 160 cheris in Madras in private lands and every bungalow in Kilpauk and Adyar is so far away from the road and if every house-owner can compel the Corporation to bring the main sewage drain within 50 feet from his outlet the cost which the Corporation may have to incur will be enormous. So I oppose the motion."

* The Hon. the RAJA OF BOBBILI :—" I understand the hon. Member had it as part of a scheme to insist that the Corporation should spend public monies to construct drains on private lands. The previous amendment has been lost. I think the same arguments

31st January 1936] [The Raja of Bobbili]

which were advanced in that case apply equally to this. The principle involved is the same, viz., whether public money should be spent to construct drains on private lands or whether owners of lands should not themselves undertake the expenditure. Moreover it will mean an enormous drain on the resources of the Corporation. They will hardly be able to bear it if we make any statutory provision of this kind. As I find it impracticable I have to oppose this amendment."

* Mr. C. BASU DEV:—" I would like to say a few words. I would like to clear some misunderstanding given expression to by my friends. The distance of the road or the drain from bungalows of 15 and 16 acres was referred to. The distance between the Corporation drain and the compound wall is the distance I or any reasonable person can mean. In the case of the cheris I do not think we should grudge the poor men the luxury of a drain constructed at the cost of the Corporation. This amendment will certainly go further than the amendment disposed of a few minutes ago. It is not my intention to press if the Hon. the Chief Minister is not willing to accept. I am obliged to point out that in the amending Act they are only increasing obligations on the tax-payer and not on the Corporation. I therefore beg leave to withdraw my amendment with the suggestion to the Commissioner that at least in future they will take early steps to see that the work is done as perfectly as possible and with as little inconvenience and cost to the tax-payer."

The motion was, by leave, withdrawn.

Clauses 99 and 100 were put and carried.

* The Hon. the PRESIDENT:—" Being Friday, the House will now adjourn and meet at 3 p.m."

(After Lunch—3 p.m.)

Clause 101.

* The Hon. the PRESIDENT:—" Clause 101 is for the vote of the House."

Clause 101 was put and carried.

Clauses 102 *and* 103.

Clauses 102 and 103 were also put and carried.

Clause 104.

Section 194.

* Diwan Bahadur A. APPADURAI PILLAI:—" I beg to move—

'*In section* 194 (1) (*iv*), add *at the end the following words*:—
" *and sewage water* ".'

In the proposed section 194 (1) (iv), provision is made for the removal of filth. I suggest, Sir, that by the addition of the words 'sewage water' arrangements may be made for the removal of sewage

[Mr. A. Appadurai Pillai] [31st January 1936

water also by means of covered vehicles or vessels. This is dependent upon the retention of the 'cess-pool' by the amendment just now passed by the House in dealing with sub-section (3) of section 178. This is a very small amendment, Sir."

* The Hon. the PRESIDENT:—" There is no seconder to the amendment. It falls through."

Clause 104 was put and carried.

Clause 105.

Section 202.

* Diwan Bahadur C. NATESA MUDALIYAR:—" Mr. President, Sir, my amendment is—

> '*In the new sub-section* (3) (*c*) *of section* 202, omit *the words "except for the purpose of deodorizing or disinfecting the filth*".'

This is not a very important amendment. Only the language is not happy here. Before moving the amendment, I request permission to say that if the answer to be given by the Hon. Minister is satisfactory to me and I am convinced that there is no need for the amendment, I will withdraw it. So, I request the House and yourself, Sir, to permit me to withdraw it so that objections may not be taken. Sub-section (3) (*c*) says: 'deposit rubbish in any vehicle or vessel intended for the removal of filth except for the purpose of deodorizing or disinfecting the filth.' That is the language used. We do not deposit rubbish for the purpose of deodorizing or disinfecting, but may deposit some disinfecting substance for deodorizing. So, I think those words should be omitted. I hope the Government will accept my amendment or will change the wording as they like."

Mrs. K. ALAMELUMANGATHAYARAMMA seconded the motion.

* The Hon. the RAJA OF BOBBILI:—" Sir, section 202 of this Act follows the corresponding provision in the Madras District Municipalities Act. The idea is to use any suitable rubbish for depositing on the filth to prevent any smell emanating or to reduce smell. I do not see any objection to the wording as it stands in the Bill. I therefore oppose the amendment."

Diwan Bahadur C. NATESA MUDALIYAR:—" I am not pressing my amendment, Sir. But I request the Government to make the language better at least after some time."

The amendment was by leave withdrawn.

Clause 105 was then put and carried.

* The Hon. the PRESIDENT:—" I will put clauses 106, 107 and 108 to the vote of the House."

Clauses 106, 107 and 108 were put and carried.

31st January 1936]

Clause 109.

New section 214-A.

* Rao Bahadur P. C. MUTHU CHETTIYAR moved—

'*to omit new section* 214-A.'

In doing so, he spoke in Tamil and the following is an English rendering of the same—

"As I understand this section, it deals with the damage caused to roads in the process of loading, unloading or depositing excessive weights thereon. The cost of the damage so caused is to be recovered from any person causing the damage on a certificate issued by an officer not below the rank of an Executive Engineer. My contention is that the section should be omitted for this reason. Loading and unloading weights in a public road is a necessity, and the people concerned in the process are generally labourers and not the owners of the articles themselves. Sometimes big companies take their goods in rubber tyred vehicles. All cannot afford it. Ordinarily, when labourers are employed in the process of loading or unloading goods, some damage to the road may be caused. Nobody will spoil the road purposely. Such being the case, it is not known from whom the cost of damage is to be roceverd. Is it from the loader or unloader, or the owner of the goods or the man who actually caused the damage? Sometimes, a cart on account of some defect may give way in the middle of a road, causing some damage to the road by making a pit or hole. In that case, what is to be done? Then, this section will affect more the coolies employed in taking the load. Thus this is a terrifying section more to the labourers, and it will only increase litigation. The Corporation may say, 'We have put lights on the road and the lights have been damaged by a crashing vehicle,' and claim damages. Such a damage is incidental. Many people have suffered personal injury on Corporation roads by tripping on uneven ground or protruding stones and thus losing probably a toe. There is nobody to pay damages in such a case. Even without the knowledge of the labourer, some damage may be caused to the road. In all cases of damage, only the intention must be the test. So, I leave it to my learned friends in the House to take note of the effects of this section. The section is not definite. For these reasons, I move my amendment."

* Rao Sahib V. I. MUNISWAMI PILLAI:—"I rise to second the amendment moved by my friend, Mr. Muthu Chettiyar. As we see in Madras city, most of this heavy traffic is carried either by motor-lorries or by labourers who are owning carts of their own. In the Godown street and other places where there is heavy traffic I find most of the coolies own their own carts and do this kind of work. By this provision we would be giving a handle to the executive authorities of the Corporation to take to task these poor people for taking heavy loads in their carts. I think there is already a provision in the Police Act to check or to bring to book all those people who go against the rules of 3-15 p.m.

[Mr. V. I. Muniswami Pillai] [31st January 1936

traffic. If this clause is accepted I feel it will work a great hardship to the labouring classes. At a time when there is so much of unemployment, I do not think we will be wise in seeing that these poor people are also stranded. With these words, I second the amendment."

* Diwan Bahadur C. S. Ratnasabhapati Mudaliyar:—"Mr. President, Sir, I have to oppose this amendment. This section does not contemplate interference in the cases of ordinary traffic, such as laden bullock carts. It is intended to meet extraordinary cases where on iron-tyred trolleys, heavy boilers and heavy machinery are taken on ordinary roads on a culvert or bridge situated across the road. I take it a bridge or culvert on the road is included in the definition of the word 'road.' If it is not included, it may be taken as part of the road. If a boiler weighing about 25 tons is taken over a bridge intended to carry 10 ton load that bridge will collapse, and also will cause inconvenience to ordinary traffic. This section does not empower the Corporation to interfere with ordinary heavy-laden carts. It is only when the road is heavily damaged by the passing of a heavily-laden trolley or anything like that and after the Executive Engineer issues a certificate that the road has been spoiled because of the weight of the trolley or cart, that the Corporation can recover the cost. I can quote an instance that has happened in a mufassal municipality. A big factory is situated outside the municipal limits. A 25-ton steam-boiler was taken over a road by an iron-tyred trolley—I do not know what they call it in the engineering language—drawn by twenty pairs of bulls or about 500 coolies. They had not provided any iron sheet over the surface of the road with the result that the road was completely damaged for about four miles. The municipality applied for a certificate from the Executive Engineer and afterwards asked the company to pay the cost of repairing the roads which came to several hundreds. When a mill or a factory damages a road I think it but reasonable that such a damage should not be repaired at the cost of the general funds of the municipality or corporation, but it should be met by the owners of the mill or factory responsible for the damage. So it is in the interests of the Corporation and also of the ratepayers that this provision has been inserted here. So I have to oppose the amendment."

* Mr. W. K. M. Langley:—"Sir, I take the same view as the last speaker. I am not seized of the reasons advanced by Mr. Muthu Chettiyar in support of his amendment. But his seconder, so far as I have understood him, seems to think rather illogically that the burden of payment for excessive traffic will fall on the labouring classes. As my hon. Friend, the Member from Coimbatore, has rightly pointed out, it is practically always borne by some large Corporation. I have many instances in my mind, very similar to those mentioned by the last speaker, of cases of very heavy boilers or heavy machinery being taken up to some very large project which is controlled by a corporation or by Government; and it seems to me that it is almost inconceivable that such a clause as this, if put into the Act, can possibly react, as my hon. Friend suggested against the poorer classes.

31st January 1936] [Mr. W. K. M. Langley]

"I shall just give an instance of one particular case which must be within his own memory. He must have seen, as I have, some three years ago, the enormous traffic passing from Ootacamund up to Glen-Morgan for the electrical scheme. This was all carried on large, eight-wheeled lorries, and no damage was done to the road at all. If it had not been attended to by some Government department, all this heavy traffic would have been carried by some contractor or other in country carts, and the condition of the road between Ootacamund and Pykara in that case could better be imagined than described. It is only reasonable that people who want to use the roads for purposes for which they are not ordinarily intended, should pay for any extraordinary damage which may be caused to such roads and it would be most unfair that the local authority which in the last resort is the general taxpayer himself should be called upon to meet any extraordinary cost involved in this extraordinary traffic. I beg strongly to oppose this amendment."

* The Hon. the Raja of Bobbili:—"I am afraid my hon. Friends who moved and seconded this amendment for the deletion of the section have misunderstood the scope and purpose of this provision. This is certainly not intended to cover the normal traffic which we see on streets from day to day, but very extraordinary cases where heavy loads for which the streets are not intended are carried and great damage is done to the streets which have to be made good from the municipal funds. There is absolutely no risk of this provision being abused by the executive authorities. As a matter of fact, the section has been carefully examined, and if any such damage is caused the loss can be recovered only after a certificate issued by the Executive Engineer of the Government Public Works Department. I think in the public interests a provision of this kind is absolutely necessary. I have to oppose this amendment."

Mr. Basheer Ahmed Sayeed:—"I must really thank, Sir, the Government and the authors of this provision in the amending Bill. This was a long-felt necessity in the city of Madras, and it is but right that we should retain this provision. I don't see any case could be made out at all for the deletion of a provision like this. It is very necessary, seeing the way in which the roads are damaged and made to serve private ends and private purposes by those citizens whom I may call very irresponsible in the matter of upkeep and use of the roads. I have personal experience in the matter. (Mr. Abdul Hameed Khan: 'Angappa Naick street.') My friend reminds me of Angappa Naick street. That is not the only street in the city of Madras which has been abused thoroughly by this heavy traffic, extraordinarily heavy traffic which the road cannot bear. If any one of the hon. Members who is interested would go and visit one of the streets where such busy and heavy traffic is going on, they will see the deplorable condition of the roads where things are loaded, unloaded and deposited, and the way in which the wheels are made to run on the roads. I would say this certificate of the Engineer probably might be an impediment and perhaps it is to the advantage of the persons who are prone to abuse the

roads. That itself will be an impediment in the way of the Corporation easily realizing the money that they will have to spend by way of extraordinary repairs to the road. Apart from that, I would be happy if this provision is made stricter in its application and be enforced with the least disability. The Executive Engineer's certificate is certainly a circumlocutory procedure. The Corporation has to communicate with the Engineer. The Engineer has to come and prepare the estimates through his surveyors and supervisors and all this will certainly be a long-winded and tedious process. There must be some safety for the other party who is concerned in it. I have a small amendment in order to make the section perfect. I think I shall be able to move that when it is reached. I think that section is necessary in the interests of the Corporation and the proper maintenance of the streets. My friends will visualize it if they go around and see Irusappa Maistri street, Angappa Naick street, Linghi Chetti street or any one of the streets in Georgetown. In the first place if we can really have any device or any legislation to prevent heavy traffic then probably it will be better. In the absence of any such legislation restricting the amount of load which can be carried in single-carts—bullock-carts or hand-carts—I think such a provision is necessary in the interests of the proper maintenance of roads in the city of Madras."

3-30 p.m. The amendment of Mr. P. C. Muthu Chettiyar was by leave withdrawn.

Mr. Basheer Ahmed Sayeed:—"Sir, as I said a little while ago, the object of my amendment which I now move is to insert the words 'loaded, unloaded or deposited' after the words 'such weight' and before the words 'or traffic' in line 15. This is only a verbal amendment intended to make the section read well."

Mr. Abdul Hameed Khan:—"I second it."

* Mr. T. Sundara Rao Nayudu:—"May I invite your attention, Sir, to the next amendment that stands in my name? That will carry out the intentions of the Mover much better. It reads: 'In lines 15 and 16 for the words "such weight or traffic has been conducted" the words "such damage has been caused" shall be substituted.' If my amendment is accepted it will fulfil the object of my hon. Friend."

* The Hon. the President:—"The hon. Member may move his amendment and then both the amendments can be discussed together and the more suitable one adopted."

* Mr. T. Sundara Rao Nayudu:—"I move, Sir,—

'In lines 15 and 16 for the words "such weight or traffic has been conducted" the words "such damage has been caused" shall be substituted.'

The expression 'such weight or traffic' is not quite happy and is out of place in that particular line. It may be substituted by the words I have suggested."

Mr. R. Madanagopal Nayudu:—"I second it."

31st January 1936]

* Mr. D. M. Reid:—" Mr. President, it appears to me that Mr. Basheer Ahmed's motion is more satisfactory than the one proposed by Mr. Sundara Rao Nayudu. It might be taken to imply that the road was deliberately damaged. If we adopt the first amendment we might avoid misunderstanding. I support it."

* The Hon. the Raja of Bobbili:—" Sir, the question has been examined. The amendment of Mr. Sundara Rao Nayudu is an official amendment drafted in the Secretariat to improve the language of the section. I think if the House accepts it, the position could be made quite satisfactory. I would therefore request Mr. Basheer Ahmed to withdraw his amendment."

The amendment of Mr. Basheer Ahmed was by leave of the House withdrawn.

The amendment of Mr. Sundara Rao Nayudu was then put and carried.

* Mr. T. Sundara Rao Nayudu:—" Sir, I move—

'*In the proviso, for the words " any person against whom " the words " any person from whom " shall be substituted.*'

This is also an official amendment."

Mr. R. Madanagopal Nayudu:—" I second it."

The amendment was put and carried.

Clause 109 as amended was then put and carried.

Clause 110.

Section 218.

Mr. Basheer Ahmed Sayeed:—" I move—

'*In sub-section* (1) *of section* 218 *of the Act, the words " or land occupied for residential purposes " be inserted after the word " street " in line* 1 *and the words " or situated on such land " shall be inserted after the word " street " in line* 7.'

Sir, the object of this section is to give power to the Commissioner to order a certain work to be carried out or in default to carry it out himself. The section applies not alone to any street, but also to any land that is situated or abutting on such street. Mr. President, if you will please read the section you will notice this:

'If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved, or lighted to the satisfaction of the Commissioner, he may, by notice, require the owners or occupiers of such street . . .'

" Sir, private streets are more or less private lands and difficulty has been felt by the Corporation from time to time in the improvement of those streets which are not abutting on any public road but are situated in an area which is far away from public roads. The words 'private streets' no doubt mean private streets, but actually the Corporation has to deal with a large extent of land in which there are no private streets, but which has to be treated as private streets for the

[Mr. Basheer Ahmed Sayeed] [31st January 1936

purpose of improvement. The Corporation in 1924 appointed a committee to suggest amendment to this section and they made certain suggestions. They were pending consideration, and in the meanwhile this Bill was placed before the Corporation Council for its opinion and consideration. The Council pointed out that actually a private street is not a private street but only land belonging to a private party requiring improvement, but neglected by the owner even when called upon to do so by the Commissioner. In such cases it is necessary that the Commissioner should have power to carry out the improvement himself and recover the cost from the owner. If my amendment is not accepted the owners of such private lands will escape. So that in order to make the scope of the section wider and really benefit the Corporation in the direction of improvement of the slums, it is necessary that this amendment should be incorporated. The amendments when carried out in the section, the section will read thus:

'If any private street or land occupied for residential purpose or part thereof is not levelled . . . on such street or situated on such land . . .'

"As I said, I want that the scope of the section should be widened in order that lands also may be improved and not merely private streets. I suggest that this amendment is necessary in order that there may be a rapid improvement of slums."

The motion was duly seconded.

3.45 p.m. * Diwan Bahadur C. S. RATNASABHAPATHI MUDALIYAR:—"Mr. President, Sir, I am afraid this amendment is outside the scope of section 218. Section 218 gives power to the Corporation to improve private streets or parts thereof, to metal such streets if such streets are not metalled and to provide side drains or sewage drains. There is another section under which the Commissioner or the Corporation is given power to improve the lands over which cheris or houses have to be constructed. I think that section gives power to the Corporation only in cases where any land is low-lying or water-logged to raise such lands or to fill up the pits where they exist. I am afraid the amendment of this section as suggested by Mr. Basheer Ahmed will make the position worse and give greater powers to the Corporation which are not necessary."

* Mr. C. BASU DEV:—"I hope the House will thank the hon. Member from Coimbatore for pointing out that the amendment of Mr. Basheer Ahmed is out of place under this section. I must say that the amendment of Mr. Basheer Ahmed is more reactionary than the amendment contained in the amending Bill which is under discussion. Sir, it looks as if we are trying to help the authorities of the Corporation beyond all proportion and there is absolutely no necessity for it. One of the duties of the Corporation is to find good tenements for the poorer classes of people and the Corporation is trying to discharge their duties in their own way. In the Perambur area there is a large plot of land which is now being colonized by the Adi-Dravidas and the Labour Department which is trying to help them in this direction

31st January 1936] [Mr. C. Basu Dev]

are asked to meet the cost of the improvements and they are not able to get the same from the Government. Though there is a considerable plot of waste land available for the purpose of building tenements, owing to the indifference or reluctance of the Corporation, it is not made useful to the poorer classes who are working in the mills and most of whom belong to the depressed classes. If any owner or set of owners should apply to the Corporation to take over what they call private streets, it should be made incumbent upon the Corporation to take over those private streets and to effect all the improvements in that locality so as to enable the construction of suitable tenements for the poorer classes. I expected that such a provision would be incorporated in this amending Bill and that it would be made obligatory on the Corporation to take over all private streets and make the necessary improvements. The amendment of Mr. Basheer Ahmed seeks to fix the liability upon the poor owners of lands to make the necessary improvements which, if accepted by this House, would make their lives intolerable. I therefore very strongly oppose the amendment."

Mr. R. Madanagopal Nayudu :—" As has been pointed out already by my Friend Mr. Ratnasabhapati Mudaliyar, the section in the amending Bill relates only to private streets. I am afraid if we extend the power of the Corporation to take over private lands kept for residential purposes, it would mean that we are placing too much power in the hands of the Corporation and troubling the poor people who are in possession of those lands. There are other provisions in the Bill relating to health and sanitary condition of the locality which give power to the Commissioner and the Corporation to take over such streets or areas where insanitary condition prevails. But section 260 gives powers to the Corporation or the Commissioner by which they can ask the owners of any private streets to carry out any improvements which in their opinion are necessary, or where there is some trouble for the public to come in because of the absence of these improvements. A distinction ought to be drawn between private streets to which the public have recourse and lands used for residential purposes by people. People residing in those localities are interested in seeing that these lands are kept undisturbed. I feel therefore that this amendment is unnecessary."

Mr. Basheer Ahmed Sayeed :—" Sir, I am afraid that many of my Friends have not understood the scope of my amendment. I only implore them to realize that this city must grow and that it cannot be in the same stagnant condition in which it has been for ages. If the city is to be improved, one of the foremost duties of the Corporation is the removal of slums. It has been felt—I would only ask my hon. Friends to revive their memories—for a long time that if they want to effect any improvements in the city, they must spend their monies on lands, which cannot be strictly called lands owned by private owners. There are several grounds and there are any number of acres of such lands. Time and again it has been felt by the Corporation that they should lay their hands upon these lands, and they must be improved,'

and then they must come under a scheme of improvement. The section as it stands at present does not give any scope for the Corporation to stretch their hands on these lands and effect any improvement. Private streets are an anomaly in a city like this. Private streets are always unhealthy and insanitary and it is always very difficult for the Corporation to call upon the owners of those streets to improve them. The very sight of these streets is ugly. If a gentleman gets down from the harbour, he sees an ugly site. That site may not be unhealthy, but all the same it must be improved. The owner of the land lets it out to various tenants and realizes a large amount of money without effecting any improvements to that bit of land, so that in such cases the Corporation must be empowered to come forward with any scheme of improvement and then invest the money after telling the owner in the first instance that if he does not carry out the necessary improvements, they will carry out those improvements and recover the cost of the same from him. Private streets might be kept unhealthy and the buildings in those streets might be unarchitectural. It is for the purpose of avoiding all these and to carry out the necessary improvements that I am moving my amendment. Unless you are going to include also lands that are privately owned with private streets, there is no scope for the city to improve. I might invite the attention of the House to the recommendation of the Committee that was appointed in 1929 which suggesed—

'*That in sub-section* (1) *of section* 218 *the words* "*private streets*" *might be substituted for the words* "*or occupiers*".'

" The Government agreed to have the words 'private streets' but instead of the words 'occupiers' they retained the word 'owners.'

" So that, the Government felt it necessary even so early as 1929, when Mr. Boag was the Commissioner and had a hand in drafting these amendments, that these slums should be improved, and that the Corporation should be given power to improve these bits of lands. In so doing the Corporation will not incur any extra expenditure at all, but they will be able to recover the same from the owner. I therefore urge most earnestly that this amendment ought to be accepted. My hon. Friend from Coimbatore said that there are other sections which give powers to the Corporation. There are sections which give power only in cases where there is danger to health. But there may be some buildings in a street which are quite unarchitectural and do not conform to the rules of town-planning and things like that. I challenge the hon. Gentleman from Coimbatore to point out to me any sections which give power to the Corporation to interfere in such cases. Is there any section which lays the obligation on the private owner that in case he wants to erect some buildings on his land his plans would be approved only on condition that he raises the level of the land and makes provision for drainage and other things. Even in cases where you fix the responsibility upon the owners of private lands, such owners may neglect

31st January 1936] [Mr. Basheer Ahmed Sayeed]

them. Of course such lands may not be insanitary or unhealthy. I therefore submit that this amendment is very necessary and I would urge upon the House to accept it."

The amendment was put and lost.

Clauses 110, 111 and 112, were put and carried.

Clause 113.

Section 222.

Rao Bahadur P. C. MUTHU CHETTIYAR spoke in Tamil and moved the following amendment:—

'*Add at the end of sub-clause* (ii) *of section* 222, *the following words*:—

"*and after the words* '*reasonable compensation*' *the words* '*taking into due consideration the cost of remodelling the whole or part of the structure*' *shall be inserted.*"'

The following is an English summary of his speech:—

"In the clause as it stands it is stated only 'reasonable compensation.' What is reasonable compensation is a very difficult matter to decide. The encroachment of 5 square feet might have been going on for 30 years, and the owner of the building might have added that in 25 square feet building. The Corporation may consider that if they gave compensation for 5 square feet, it would be a reasonable compensation. For this reason only I want to move my amendment which says 'taking into due consideration the cost of remodelling the whole or part of the structure'.

"People usually encroach on nooks and corners and the encroachment p.m. goes on unobserved for years, for even thirty years. Then they or their successors in title may spend some money and build pucca buildings on the encroached portion in the hope and belief that the land would be theirs permanently. Therefore, I want that in fixing any compensation due consideration should be paid to the cost of remodelling the whole or part of the structure. Hence my amendment."

Rao Sahib V. I. MUNISWAMI PILLAI:—"I second the amendment."

* The Hon. the RAJA OF BOBBILI:—"Sir, I take it that when compensation is given the minimum cost of any alterations that are necessary are also taken into account. I understand that that portion of the section now proposed to be amended is not a new one and is already in existence in the Act and has been worked and no difficulty has been experienced. Therefore, I do not see any ground why we should try to meddle with the existing section. Moreover, if any person is dissatisfied with the decision as regards compensation, I presume he will have a right to go to a court of law. On these grounds I consider that the amendment is not necessary. It may also lead to difficulties. I therefore oppose the amendment."

The amendment was by leave withdrawn.

Clauses 113, 114, 115 and 116 were put and carried.

Clause 117.

Section 228.

* Mr. T. B. RUSSELL:—" Mr. President, I beg to move the amendment that stands in my name, namely,—

'*For sub-clause* (i), *the following sub-clause shall be substituted, namely*:—

" (i) *In sub-section* (1), *for the words ' give names ' the words ' give names or numbers ' and for the words ' alter the name of any public street ' the words ' subject to the approval of the Local Government, alter the name or number of any public street ' shall be substituted; and* ".'

The only result of the amendment is that the words ' or numbers ' have been added in one place where they had been left out. To put them in, the clause has been redrafted."

Mr. T. SUNDARARAO NAYUDU:—" I second it."

* Rao Bahadur P. C. MUTHU CHETTIYAR:—" Sir, I beg to move that for sub-clause (i), the following sub-clause may be substituted:—

' (i) *in sub-section* (1), *for the words " give names " the words " give names of gods or goddesses whose temples exist in that locality or numbers " shall be substituted; and before the words " alter the name of any public street " the words " subject to the approval of the Local Government " shall be inserted; and* '."

The hon. Member made a speech in Tamil of which the following is a summary:—

" Sir, we usually call these streets, street No. 4 or street No. 5 and so on. But we see that every street has a temple big or small with a god or goddess in it. Some streets have also mosques and churches. I suggest that instead of naming these streets Ramunni Menon street and so on, we may name them after these gods and goddeses and churches and mosques. If one god or goddess or church or mosque has got three or four streets under its jurisdiction, then we may give them numbers also in addition to the name of the god or goddess, etc. Many persons will have the same name and it will be difficult to find out. But there will be an addition to every god. I do not think there will be any objection to this proposal; if however there is any very great objection to this I will withdraw it."

Mr. H. M. JAGANNATHAM:—" I second it."

* The Hon. the PRESIDENT:—" I think that Mr. Muthu Chettiyar's amendment can be taken up only as an amendment to Mr. Russell's amendment. Then it will read like this:

'*After the words " give names " in Mr. Russell's amendment insert the words " of gods or goddesses whose temples exist in that locality* ".'

Both the amendments are for discussion of the House."

31st January 1936]

* The Hon. the RAJA OF BOBBILI:—" Sir, I think I have to oppose the amendment of Mr. Muthu Chettiyar. Even now, as the amendment of Mr. Russell stands, it does not prevent any street being named after any god or goddess. But if we lay down any statutory provision like this, it may lead to serious difficulties and I do not think it is wise to tie the hands of the Corporation in this respect. I have to oppose the amendment of Mr. Muthu Chettiyar to Mr. Russell's amendment."

The Hon. the PRESIDENT:—" Mr. Basheer Ahmed has an amendment to this clause."

Mr. BASHEER AHMED SAYEED:—" I shall move it after this amendment is disposed of."

Mr. ABDUL HAMEED KHAN:—" Mr. President, Sir, so far as Mr. Russell's amendment is concerned, I am certainly prepared to agree to the first part of it as there is something to be said for shortening the names and in some cases for numbering the streets. But so far as vesting the power in regard to altering the names and numbers in the hands of the Local Government is concerned, I for one think that it is not a step in advance. Hitherto, it was within the power of the City Council to alter the names of the streets whenever they found that such alteration was absolutely necessary. No doubt it is true that there was a time when the Corporation changed the names of some streets and gave them the names of the sitting Councillors. But subsequently the Council themselves have put a ban on such a practice and thereafter names of sitting Councillors have not been given to streets. The Councillors fully realize that it is not an easy matter to change the name of a street, for it not only affects the residents therein, but it also affects the postal services. As the City Council fully realizes the very many disadvantages and difficulties in changing the existing name of a street, I do not think their hands should be tied in any manner whenever they think that it is absolutely necessary that the name of a street should be changed. The control of the Government need come in only when it is necessary but not in matters like this. It does not commit the Government to any expenditure, nor is any other responsibility of the Government involved in this matter. It is purely a responsibility of the City Council and they realize it fully well. They will discharge it in a proper manner. Simply because at a time when a certain Commissioner was in the Corporation it was found that the Councillors changed the names of the streets in the names of the sitting Councillors, we must not generalize from that and take away the existing right of the City Corporation. Besides, the Local Government is not expected to know what exactly are the requirements of a particular locality. It is the City Council and its executive who will know exactly what names should be given to streets and localities. In the circumstances I appeal to the Government to see their way to withdraw this part of their amendment and not take away the right which is at present possessed by the City Council."

[31st January 1936

* The Hon. the PRESIDENT:—" I think Mr. Basheer Ahmed has to move his amendment now or not move it at all, because if the official amendment is passed there will be no place for his amendment."

Mr. BASHEER AHMED SAYEED:—" I think, Sir, that Mr. Russell has not brought in any new principle in his amendment; he has only changed the wording and put some words before and some words after. Anyway, I am prepared to move my amendment now, Sir."

* The Hon. the PRESIDENT:—" If the principle of getting the approval of the Local Government which is contained in the official amendment is voted upon by the House, then the hon. Member's amendment will be out of order."

Mr. BASHEER AHMED SAYEED:—" I will move my amendment now, Sir."

* The Hon. the PRESIDENT:—" The hon. Member's amendment may come in as an amendment to Mr. Russell's amendment."

Mr. BASHEER AHMED SAYEED:—" I move—

> ' For *the words " subject to the approval of the Local Government " in Mr. Russell's amendment,* substitute *the words " by three-fourths majority of the members of the Council present and voting ".'*

4–15 p.m. That is my amendment, Sir. My main object in moving this amendment is this; in such a small matter as this, it is not necessary for the Government to interfere in the autonomy of the Corporation Council; it is a very trivial matter, the naming or altering the names of streets, not only in the exigencies of public interests but also with a view to satisfy the demands of the ratepayers who really require that there should be a change in the names of the streets in which they reside. The process by which these names are changed is not an ordinary one. I would like to invite the attention of the House to the procedure that is followed when changing a name, or giving a new name. Only when there is agitation on the part of the public or any responsible section thereof, the matter is taken up at all. Once there is agitation and representation is received almost with the recommendation in many cases of the councillor or councillors of the area in question, then the Commissioner invites the opinion of his officers and then the matter goes before the Committee, the Works Committee, which is concerned with this subject. The Works Department goes into the question thoroughly and if it feels justified there is a case for the change of the name, it recommends it to the Council. The Committee by itself is not authorized to change the name of any street. After the Committee considers it fully at a meeting, it goes before the Council for its decision. In the Council this question is passed as all other motions and subjects, by a majority of votes. When such is the present procedure, the occasions for changing names have been really few and far between. There have been cases in which changes have been made without much necessity. That, I think will not be argued to be sufficient cause for provoking the Government to

31st January 1936] [Mr. Basheer Ahmed Sayeed]

interfere in this matter and to say that any new name or alteration of an existing name should be done only with the approval of the Government.

"I shall view the question from the standpoint of the Government. After the Commissioner has put forward his proposal, after the Committee and the Council decide for or against it, do the Government want that the matter should come before the Local Self-Government Secretariat, pass all the stages from the clerk to the Secretary of the Department, and in case representation has been made by interested parties to the Hon. Minister, the Hon. Minister himself should consider the question and pass the order whether the Council should be empowered or not to change the name? It will involve enormous labour on the part of the Secretary of the Local Self-Government Department and of the Hon. Minister. I would ask the Government to realize whether it is worth while for them to take up the responsibility for giving a name to a street. Nothing is lost by any section of the public by the change of a name or by giving a new name. I would therefore say that the Government need not interfere in this matter; nor is it desirable in the interest of the Government and in the interest of the public that the Government should take upon themselves this power and responsibility. The Corporation of Madras is supposed to be an autonomous body at least in some respects. The Hon. Minister has time and again stated that there has been no policy of centralization. But this seems to be a very flagrant violation of even the little decentralization that exists and of the power that is vested in the Corporation. I would earnestly request him to accept my amendment not merely on the ground that it is against the canons of decentralization but also because it shows the greatest lack of confidence in the Corporation Council that has been created by the Government, in the Council that is administering the affairs of the Corporation. The Corporation has been entrusted with greater responsibilities in matters of finance, in matters of public health, in matters of education, in matters of water-supply and drainage. Could not the Government have confidence in the Council to manage and to administer this little affair, this tiny and trivial affair? Next year, the new Constitution will be introduced and the new Government is in formation would have ample confidence in the Corporation Council. If it is stated that the approval of the Government should be obtained, it will mean enormous labour for the Government and for the Corporation. What happens if the Corporation sends up a proposal and the Government consider it and veto it? Then it is loss of so much public time and money. From that point of view I say there can be no case for the Government saying that the alteration of street names should be subject to their approval.

"What is my proposal? My proposal is that, if the Government are so inclined, they can make it practically impossible for the Corporation Council to alter names as and when their fancy suits, and according to their whims and caprices. My amendment suggests that

we should put it on as high a scale as possible. My amendment is to allow the alteration to be made when it is approved by three-fourths majority of those present in the Council at the time and voting. According to my suggestion, such a safeguard may be provided. I do not see why this matter should not be left in the hands of the Corporation, to alter names of streets in very important and urgent cases. Such a provision, I think, would be considered to be necessary, desirable and suitable. I implore the Government to consider the question with this safeguard, with this restriction of three-fourths majority voting for any change or alteration of the names of streets considered suitable and desirable. If my suggestion is accepted, the chance of changing any name unnecessarily, will be far remote, probably once in a blue moon; no change will at all occur. The Hon. Minister may take my assurance. As the Mayor of the Corporation has stated, we have imposed a restraint upon ourselves that we shall not unecessarily and frequently change the names of existing streets, for no reason whatsoever. There are certain ugly names; there are certain names which have grown out of place and out of time; they require new orientation, or alteration, by a new name being substituted for an older name. In this case the Corporation must certainly be allowed some discretion to give the name that is most suitable to the occasion and times. I do not think that we should be considered as lacking so much in commonsense in the matter of alteration of names. I hope that the Government would be agreeable to my proposition; three-fourths majority of the members present in the Council would be sufficient to act as a check against any unnecessary alteration of names of streets. I would therefore request the Government to accept my amendment."

Rao Bahadur P. C. MUTHU CHETTIYAR:—" I second it."

Mr. K. KOTI REDDI:—" I think, Sir, that Mr. Basheer Ahmed's amendment seems to be a very sound one. I do not know why even this small discretion should not be given to a Corporation like the City Corporation, without being subjected to the approval of the Local Government. The Local Self-Government Department perhaps feels that it is more responsible to the public than the Madras Corporation. I doubt very much, whether the Local Self-Government Department is more responsible than any Municipal Council, much less the Madras Corporation. On the other hand I think that the Local Self-Government Department is much less responsible. The Local Self-Government Department has no other aim than to help its own party men. From the way in which the Local Self-Government Department is being administered, I do not think any Member of the Legislative Council who has been following carefully the methods that have been adopted by the Local Self-Government Department would like to entrust this power to the Department. Time will come when the administration of the Local Self-Government Department will be subject to the scrutiny of this House. I may mention only one instance, how in the matter of constitution of circles in the case of local boards, how in the matter of changing the circles for the benefit of its party men,

31st January 1936] [Mr. K. Koti Reddi]

no iota of responsibility has been shown by the Local Self-Government Department. I shall give only one instance for the benefit of the Legislative Council. Under these circumstances, I doubt whether this House would be willing to entrust this power to the Local Self- Government Department."

* Mr. T. B. Russell:—"I suggest, Sir, that in the section before the House there is no mention of the Local Self-Government Department. The responsibility in this case as in other cases must rest with the Government and not with the Local Self-Government Department."

Mr. K. Koti Reddi:—"I know, Sir, that only Government is mentioned; but it is the Local Self-Government Department that really takes action. Are we to understand that in this matter the whole Cabinet is going to decide whether there should be a change in the name of a street?"

The Hon. Sir K. V. Reddi Nayudu:—"The Government always take the responsibility for the actions of the department. The final responsibility always rests with the Government and not with the department."

Mr. K. Koti Reddi:—"I am glad to hear that the Government take the responsibility for what is done by the Local Self-Government Department. I say, Sir, that even then the Government should not be entrusted with this power. To return to what I wanted to say, I wanted to give one example. Probably my hon. Friend, the Leader of the House is not aware of how the Hon. the Chief Minister wanted to change and has changed some circles . . ."

* The Hon. the President:—"The hon. Member is not only importing more heat than necessary but he is also importing circles into the discussion; there must be a limit even for analogy."

Mr. K. Koti Reddi:—"What I wanted to say is that this Council should not entrust this power to the Local Self-Government Department, which seems to think that the Madras Corporation is less responsible than itself. On the other hand I strongly feel that the municipal council, much more so the Corporation of Madras is more responsible than the Local Self-Government Department or the Government in its administration of Local Self-Government Department. I base my proposition on facts, facts which I believe, will clearly show to this hon. House that the Government ought not to be entrusted with any power of the kind contemplated. I would rather trust the Madras Corporation than the Local Government.

"I believe, Sir, that the Local Government have not, even in small matters, shown a fair or equitable temper and have done such acts of inequity that I am driven to the conclusion that we could rather entrust this power to the Madras Corporation than to the Local Government. It is therefore, Sir, that I am supporting the amendment moved by my hon. Friend." 4-30 p.m.

[31st January 1936

* The Hon. the Raja of Bobbili:—" Sir, Mr. Basheer Ahmed, in moving his amendment, has prefaced his remarks with a statement that this is a trivial matter in which he considered the Government wanted to fetter the powers of the Corporation. I may state that on that very point I differ fundamentally from him; I feel that the changing of names of streets is not a trivial matter and there is a great deal to be said in favour of old associations and the sentiments of the people, apart from one's own convenience. I do not mean to say that the Corporation has been lightheartedly changing the names of streets; but what I say is that if one peruses the agenda for some of the Corporation meetings, one finds at least half a dozen resolutions given notice of for changing the names of streets. Government feels that this is a matter over which there should some sort of check. It is not that in every case the matter will come up before the Government; but if there is a provision of this sort in the Act, resolutions would not be brought forward before the Corporation unless there are sufficient grounds for a change in the names of streets. I therefore consider that a provision of this kind is absolutely necessary and I oppose the amendment of my hon. Friend, Mr. Basheer Ahmed.

" I believe I have already spoken on the amendment of my Friend, Mr. Muthu Chettiyar and stated that I have to oppose it.

" Coming now to the remarks of my Friend, Mr. Koti Reddi, I am not surprised that he now finds that the administration of the Local Self-Government Department does not suit his own purposes and ends, and I do not wish to take up much time of the House in replying to his outburst so soon after his disappointments and defeats in his own district."

* The Hon. the President:—" I shall first put Mr. Muthu Chettiyar's amendment to the amendment of Mr. Russell, to the vote of the House.

The question is—

' *After the words* " *give names,*" insert *the words* " *of gods or godesses whose temples exist in that locality.*" ' "

The amendment was put and lost.

* The Hon. the President:—" I shall put Mr. Basheer Ahmed's amendment to the amendment of Mr. Russell, to the vote of the House.

" The question is:—

' Substitute *the words* " *by three-fourths majority of the members of the Council present and voting* " for *the words* " *subject to the approval of the Local Government* ".' "

The amendment was put and lost.

* The Hon. the President:—" I shall now put Mr. Russell's amendment to the vote of the House, viz.:—

' *For sub-clause (i) the following sub-clause shall be substituted namely*—

" (i) *In sub-section* (1), *for the words,* ' *give names* ' *the words* ' *give names or numbers* ' *and for the words* ' *alter*

31st January 1936] [The President]

the name of any public street' the words 'subject to the approval of the Local Government, alter the name, or number of any public street' shall be substituted; and".'"

The amendment was put and carried.

Clause 117, as amended, was put and carried.

Clause 118.

Section 233.

* Rao Bahadur P. C. MUTHU CHETTIYAR :—" Mr. President, Sir, I move that—

'For *sub-section* (2) *of section* 233, *the following shall be substituted* :—

" (2) *Every permission granted under sub-section* (1) *shall be free of charge and shall expire at the end of the year for which it is granted".'"

He said in Tamil that the poor people could not afford to pay fees every year for getting licences for pandals inside their own houses. Is it a rent for the Corporation? Rupees 4 is noted in the clause. His amendment aimed at having the licences free of charge.

Mr. K. A. NACHIYAPPA GOUNDER seconded it.

[The Hon. the RAJA OF BOBBILI :—" Sir, it usual both in the Madras Corporation and in the mufassal municipalities to levy a fee for these structures. The Corporation at present derives a substantial income from this source, and if the amendment is accepted, it will mean a loss to the Corporation. If the Corporation is to control the putting up of these structures and inspect them for the purpose of granting licences, etc., it is desirable that it should have an opportunity of recouping the cost of such inspection, etc. I oppose the amendment."

The amendment was, by leave, withdrawn.

Clause 118 was put and carried.

Clauses 119 *to* 123.

Clauses 119, 120, 121, 122, 122-A and 123 were put and carried.

Clause 123-A.

New section 257-A.

* Mr. T. B. RUSSELL :—" Sir, I rise to move the amendment that stands in my name :—

'(i) *For the first sentence of new section* 257-A, *the following sentence shall be substituted, namely* :—

" *The standing committee may, subject to the approval of the Council, decide whether any particular area is or is not a cheri or hutting ground as defined in clause* (8-A) *of section* 3 *and the decision of the standing committee shall, on such approval, be final;" and*

[Mr. T. B. Russell] [31st January 1936

(ii) *in line 8 the word ' may ' shall be omitted.*" '

In the Bill as originally drafted, the approval of the Council after the decision of the standing committee, was not required; but the Select Committee considered that it was desirable that a provision should be introduced for the approval of the Council, and stated that the clause should be re-drafted so as to include such a provision. This amendment only makes such a provision."

Raj Kumar M. A. MUTHIAH CHETTIYAR of Chettinad:—" I second it."

The amendment was put and carried.

4-45 p.m. * Diwan Bahadur A. APPADURAI PILLAI:—" Mr. President, Sir, I beg to move the amendment standing in my name, namely:—

' Delete *the proposed sections* 257-*C* to 257-*O*.'

Sir, you will find that this relates to Chapter X-A dealing with Cheris or Hutting Grounds. This is a new chapter copied bodily from the Calcutta Act, which deals with ' bastis or hutting grounds,' so that the provisions of this chapter are entirely new to us. With a view to introduce this Chapter X-A opportunity has been taken to define ' Cheris or Hutting Grounds,' in section 3 (8-A) as follows:—

' "*Cheri*" *or* "*Hutting ground*" *means an area containing land occupied by, or for the purpose of, any collection of huts—*

(*a*) *standing on a plot of land not less than two thousand four hundred square feet in area and bearing one number in the assessment books, or*

(*b*) *standing on two or more plots of land which are adjacent to one another and exceed in the aggregate four thousand eight hundred square feet in area.*'

In other words, Sir, only an area of about a ground in extent. i.e., 60 feet by 40 feet or 2,400 square feet, is supposed to be considered as a cheri or hutting ground. I have no quarrel with the steps taken to provide facilities and conveniences for the cheri people in this City We know, the wretched condition in which these cheris are at present maintained. They are mostly owned by private owners who are not inclined to carry out any improvements suited to the occupants for their comfortable living. I had occasion, a couple of days ago, to see a cheri of this sort near Perambur. It is a place where there is an extensive cheri consisting of plots of land owned by brothers and partitioned by them. One of the owners has got 18 grounds and has let the cheri people to put up huts and sheds in all fantastic shapes and sizes wherever they chose without regard whatsoever to lighting or ventilation. The residents of this cheri have asked the owner to set right some difficulties or inconveniences and invariably the reply they got was, ' if you like you may live and if you do not like you may go away.' The cheri men who have been living there for generations, are not willing to easily quit the land, because the Tenants' Protection Act, gives them ample shelter. Under that Act, the tenant is at liberty to ask the owner of the land to sell the property to him, in which case, he can

31st January 1936] [Mr. A. Appadurai Pillai]

take it over put up a decent construction and make it comfortable and worth living. In the particular case I have mentioned, I found on enquiry that the owner and the tenants have been at loggerheads because the owner did not care to improve the cheri, nor would he part with the site on which the tenants have put up huts. He has been demanding a thousand rupees for a ground. This is an unconscionable rate, because even lands on Poonamallee High Road and on Mount Road hardly fetch a thousand rupees per ground. Even in Nungambakkam within my knowledge, the rates for sites are not valued more than a thousand rupees per ground. In this particular case, the owner has been demanding a thousand rupees a ground from these poor cheri residents, with the result that they are not in a position to pay such fabulous prices; and they are not willing to go out of the place because they have been living there for generations.

"Now, Sir, I welcome the provision in this chapter where the Corporation wants to step in and call upon the owner to set right these difficulties and to provide ordinary facilities for the residents living in these cheris. But, Sir, my point in moving the amendment before the House is that it is more the duty of the Corporation, and not of the private owner, to ask for the provision of new cheris and hutting grounds. It has been recognized on all hands that it is the duty of the local authority or the Government to provide suitable accommodation to citizens who are less favourably situated than their brethren who can afford to live comfortably. It is the primary duty of the local authority to come to the rescue of these citizens because in the welfare of the citizens at large and in the welfare of the cheri men, lies the welfare of the country and the welfare of the Government. Sir, going through the Council Library, I came across a book written by a famous authority, Sir E. D. Simon who once happened to be the Lord Mayor of Manchester. He has written several books on slum clearance and is an authority of very great repute on that subject. Please listen to what he says with reference to this question of slum clearance, or what obtains here, cheri clearance or cheri betterment. He says:—

'The Coalition Government did another revolutionary thing. They imposed on local authorities, for the first time, an obligation to provide for the whole of the working class housing need for their district, so far as it was not likely to be met by other agencies. Although a few thousand houses had been built by local authorities in prewar days, it is roughly true to say that the working classes had been housed by private enterprise. But in 1919 conditions were such that private enterprise could not possibly build houses for letting at a profit, and the Addison Act, although only passed on account of the emergency, was the beginning of a revolution in putting this duty on the shoulders of the local authorities. Now, after fifteen years, it has become an accepted part of public policy that housing, at least of the lower paid workers is the duty of local authorities.'

Sir, later on in the chapter under 'A Policy for the Future' Sir E. D. Simon declares in unmistakable terms after examining the pros and cons of this question:—

'The proper function of private enterprise is to build houses for the occupier-owner. A man who owns his own house looks after it better than anybody else; there are many strong and well-known arguments for occupier-ownership, and there is every reason why it should continue to be encouraged . . .'

'It is abundantly clear that Sir Hilton Young's policy is wrong; that the essential thing is to give local authorities every encouragement to proceed as fast

as possible with the building of new houses. The need is for houses to let at low rents, and the best thing would be if all the 200,000 new houses for many years to come could be built for letting at the lowest possible rent.'

Sir, I cannot quote a better authority on this matter than Sir E. D. Simon.

" Sir, in the first place, the provisions that are sought to be introduced into this Chapter would defeat the very object for which they are intended, for the simple reason that no owner of the ordinary run of these cheris would be in a position to invest a large amount of money for the requirements of these cheris as are visualized in the new sections, namely, clauses 257-C to 257-O. For instance, if we take the case of a two-ground cheri, we find that according to the section, power is given to the Commissioner to call upon the owner of a cheri of not less than 4,800 square feet in extent, to put his house in order by effecting improvements to the cheri in the shape of providing electric lights, flush-out latrines, proper streets, play grounds and things of that kind which are the everyday requirements of these people. Well, Sir, no owner will cheerfully come forward to undertake that responsibility. Moreover, Sir, in a two-ground cheri, the owner might be getting from say, 10 or 12 huts, somewhere about five or six rupees by way of rent—generally the monthly rent for such small huts or sheds will not be more than eight annas per month per hut. For putting up electric lights, providing drainage, etc., according to the new sections that we have just now passed, the responsibility is placed upon the owner; and for this purpose he has to invest somewhere about a thousand rupees on a two-ground cheri. What will be the return that he can expect from this investment? The cheri people would not be inclined to pay more than eight annas which they have hitherto been paying from the time of their forefathers; and even if they are compelled to pay another four annas, it will come to only 12 annas per month per hut; and this would not be a proper return for the man who invests a sum of Rs. 1,000. What will be the result. He would not undertake the improvements suggested by the Corporation. As I stated before, that is a provision which would defeat the very purpose for which it was intended. It is with this object in view that I have moved my amendment. Of course I might be asked to state whether there should not be such a provision asking owners of existing cheris to effect improvements to them. I do realize that and I very much wish that the Corporation should be empowered to have some authority to enforce rules of sanitation and things of that kind on the owners of cheris. For that there is section 257-B . . ."

The Hon. the PRESIDENT:—" May I know for how long the hon. Member is likely to speak? "

Diwan Bahadur A. APPADURAI PILLAI:—" Another 20 or 30 minutes, Sir."

The Hon. the PRESIDENT:—" The House will now adjourn and meet again at 11 a.m. to-morrow."

D. K. V. RAGHAVA VARMA,
Acting Secretary to the Legislative Council.

APPENDIX I.

[Vide answer to question No. 639 asked by Mr. K. S. Sivasubrahmanya Ayyar at the meeting of the Legislative Council held on the 31st January 1936, page 253 supra.]

(i)

Report to accompany the estimate for improving the defective draining of Nadagudi lands.

Amount of estimate—Rs. 8,000.

For effective drainage of Nadagudi lands, the lowest level of which is 40·04, it is proposed to lower the N.S.L. in the river Velappar at infall of Nadagudi drainage sluice on the right bank at 74 miles 2 furlongs 590 feet to plus 39·26, which is nearly 0·75 foot lower than the lowest land to be drained. This lowering of N.S.L. is found quite feasible by deepening the bed of the river from 100 feet above the Nadagudi drainage sluice, i.e., from 74 miles 2 furlongs 490 feet to Kangalancheri sluice at 75 miles 1 furlong 330 feet and continuing the cutting for some distance lower down to meet the normal bed. There is no irrigation in this reach between Nadagudi drainage sluice and Kangalancheri sluice.

2. N.S.L. as per remodelling proposals will be retained at Kangalancheri sluice and lower down.

3. To effect a reduction in N.S.L. of 2·52 feet at 100 feet above the Nadagudi drainage sluice, a dam 60 feet long will be constructed across the Velappar at the above site. A length of 25 feet is found sufficient for carrying the N.S. discharge but as the river receives other drainages above the site of the dam it is considered advisable to have the dam proper 60 feet long to span the width of the river there.

4. The estimate provides also for the earthwork for deepening the river from 74 miles 2 furlongs 490 feet to 75 miles 6 furlongs.

5. The existing Nadagudi drainage sluice consists of 2 spans of 4 feet each. This is found insufficient and hence two additional spans of 4 feet each have now been provided for, for discharging the drainage water effectively. The cost of this has also been included in the estimate.

(ii)

Report to accompany the estimate for constructing a calingulah across the Nadagudi drainage channel at the junction of Thattathimoolai Pudu voikal.

Amount of estimate—Rs. 680.

The present Nadagudi drainage channel has to carry the drainage of Nadagudi block to the river Velappar. At the same time it has to serve also as an irrigation channel, carrying the water of Thattathimoolai Pudu voikal in the opposite direction. At present a mud dam is erected for diverting water for irrigation purposes. As this is a serious hindrance to drainage, it is proposed to construct a calingulah across

the drainage channel, the crest of the body wall being kept at the bed level of the channel and the top of dam stones at a level suitable for command of the lands to be irrigated by it, which are to the east of the channel. Planks will be provided which will be put on when water level has to be raised for irrigation purposes and removed when drainage has to be passed. Water level at the dam will not be permitted to be raised, above the level of the top of dam stones.

Appendix II.

[Vide answer to question No. 649 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 31st January 1936, page 258 supra.]

I. Tinnevelly Municipality.

(*a*) *Copy of resolution of the Municipal Council, No.* 643, *dated* 16*th May* 1934.

" This Council resolves and recommends to Government the immediate removal of M.R.Ry. C. Krishnaswami Ayyangar Avargal, Commissioner of this municipal council under clause (4), section 12-C of the District Municipalities Act as amended, at the special meeting convened for the purpose to-day on a requisition from Mr. S. Palaniyandi Mudaliyar and nineteen other councillors.

This Council requests the Chairman to forward the resolution of the Council immediately to Government so that it may be given effect to under law."

(*b*) *Copy of G.O. No.* 5308, *L. & M., dated* 10*th December* 1934.

Under section 12-C of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), the Governor acting with Ministers is pleased to make the following appointments:—

(1) M.R.Ry. S. Ramachandran Avargal, Manager, Office of the Inspector of Municipal Councils and Local Boards, Madras, to be the Commissioner of the Calicut Municipality; and

(2) M.R.Ry. P. Ramaswami Ayyangar Avargal, B.A., Commissioner of the Calicut Municipality, to be the Commissioner of the Tinnevelly Municipality, *vice* M.R.Ry. C. Krishnaswami Ayyangar Avargal, B.A., who will revert to the regular line as Tahsildar with effect from the date of his relief. [No. (1) to move first.]

II. Coimbatore Municipality.

(*a*) *Copy of resolution of the Municipal Council, No.* 990, *dated* 1*st March* 1935.

" This Council expresses its want of confidence in the present incumbent Commissioner M.R.Ry. K. Rama Varma Raja Avargal and recommends to Government his removal."

31st January 1936]

(*b*) *Copy of G.O. No.* 1528, *L. & M., dated* 16*th April* 1935.

Under section 12-C of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), the Governor acting with Ministers is pleased to appoint the following persons as the Commissioners of the municipalities noted against their names:—

(1) Mr. H. C. M. McLaughlin (Deputy Collector), Commissioner, Trichinopoly Municipality Coimbatore.

[On relief by No. (2)]

(2) M.R.Ry. K. Rama Varma Raja Avargal (Deputy Collector), Commissioner, Coimbatore Municipality Trichinopoly.

III. PALNI MUNICIPALITY.

(*a*) *Copy of resolution of the Municipal Council, No.* 192, *dated* 5*th August* 1935.

This Council resolves to recommend to Government under section 12-C (4) of the Madras District Municipalities Act for the immediate removal of the Commissioner M.R.Ry. T. E. Gomathinayagam Pillai Avargal as there is no confidence in him. This resolution should be communicated to Government at once.

(*b*) *Copy of G.O. No.* 3599, *L. & M., dated the* 4*th September* 1935.

Under section 12-C of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), the Governor acting with Ministers is pleased to appoint the following persons as the Commissioners of the municipalities noted against their names:—

(1) M.R.Ry. T. E. Gomathinayagam Pillai, Commissioner, Palni Municipality ... Bodinayakkanur

(2) M.R.Ry. V. Venkatachalam Ayyar, Commissioner, Bodinayakkanur Municipality Palni.

(To join expeditiously.)

IV. ELLORE MUNICIPALITY.

(*a*) *Copy of resolution of the municipal council, No.* 453, *dated the* 28*th September* 1935.

" Whereas the Commissioner, Mr. R. S. Parthasarathi Rao, B.A., has been guilty of grave dereliction of duty both by way of commissions and omissions tending to the prejudice and detriment of the best interests of this municipality; whereas he has been systematically flouting the mandates of the Council reducing the council to a mere chimerical existence, whereas he has been guilty of flagrant breach of

[31st January 1936

statutory provisions, rules thereunder, Government Orders and Government Memoranda; whereas he has proved himself to be an inefficient, incompetent and an unalloyed autocrat; whereas his conduct of municipal affairs has been tending to lack of discipline and order in the office, disharmony and constant friction between him and the municipal council, the two main organs of the municipal administrative machinery and to even financial loss to the municipality, this council is of opinion that his continuation in office would be detrimental to the best interests of the municipality, would further bring chaos into the whole municipal administration and would lead to loss of prestige and credit of the municipality and hence this council recommends to the Government under section 12-C, clause (4), of the Madras District Municipalities Act, that the Commissioner, Mr. R. S. Parthasarathi Rao, B.A., shall be forthwith removed from office.

This resolution shall be immediately communicated to the Government and the Collector, West Godavari district, Ellore."

(*b*) *Copy of G.O. No.* 4614, *L. & M., dated the* 8*th November* 1935.

Under section 12-C of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), the Governor acting with Ministers is pleased to make the following appointments:—

(i) M.R.Ry. C. P. Madhava Menon, B.A., clerk, Development Secretariat, to be the Commissioner of the Conjeeveram Municipality, with effect from the date of taking charge.

(ii) M.R.Ry. G. Ratnam, M.A. (Columbia), Commissioner, Conjeeveram Municipality, to be the Commissioner of the Tenali Municipality with effect from the date of taking charge.

(iii) M.R.Ry. A. V. Krishna Rao Nayudu, Commissioner, Tenali Municipality, to be the Commissioner, Ellore Municipality, with effect from the date of taking charge.

[No. (i) to move first and join expeditiously.]

APPENDIX III.

[Vide answer to question No. 650 asked by Rao Bahadur Subadar-Major S. A. Nanjappa Bahadur at the meeting of the Legislative Council held on the 31st January 1936, page 258 supra.]

	Name of Commissioner.	Community.	Municipality to which appointed.
M.R.Ry.	V. S. Viraraghavayya, B.A., B.L. ..	Brahman	Gudiyattam.
,,	S. Srinivasachari	Do.	Villupuram.
,,	C. P. Madhava Menon, B.A. ..	Non-Brahman (Hindu).	Conjeeveram.
,,	G. Rangayya Pantulu	Brahman	Chicacole.
,,	K. Narasimhaswami Pantulu ..	Do.	Bimlipatam.

31st January 1936]

Appendix IV.

[Vide answer to question No. 658 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 31st January 1936, page 265 supra.]

G.O. No. 4099, L. & M., dated 7th October 1935.

Read—the following papers:—

G.O. No. 1510, L. & M., dated 15th April 1935.

From the Accountant-General, dated 16th August 1935, No. P.V. 6-37 of 34–36/1231.

Order—No. 4099, *L. & M., dated 7th October* 1935.

The Accountant-General is informed that the service and emoluments of the pensionable employees of the late taluk boards from the date of abolition of the taluk boards, viz., 1st April 1934, to the date of termination of the period of notice of discharge, shall be counted towards pension and that the necessary contribution towards pension under article 802 of Civil Service Regulations, shall be paid on their behalf by the respective local boards up to and including the date of termination of the period of notice. Such of these employees who have been provided with appointments under the district boards should be allowed to subscribe to the provident fund only from the date of expiry of the notice period, notwithstanding anything to the contrary in paragraph 2 of G.O. No. 1510, L. & M., dated 15th April 1935.

(By order of the Government, Ministry of Local Self-Government)

T. B. Russell,
Secretary to Government.

To all Presidents of District Boards.
,, all Collectors.
,, the Accountant-General (through the Finance Department).
,, the Finance Department.
,, the Examiner of Local Fund Accounts.
,, the Inspector of Municipal Councils and Local Boards.

[31st January 1936

APPENDIX V.

[Vide answer to question No. 661 asked by Mr. M. S. Sreshta at the meeting of the Legislative Council held on the 31st January 1936, page 268 supra.]

(1)

Statement showing the amounts spent on trunk roads by local bodies during the three years ending 1933–34.

District Boards.

Name of district board.	1931–32.		1932–33.		1933–34.	
	Ordinary expenditure.	Capital expenditure.	Ordinary expenditure.	Capital expenditure.	Ordinary expenditure.	Capital expenditure.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	RS.	RS.	RS.	RS.	RS.	RS.
Anantapur	1,28,139	1,62,234	1,22,976	56,490	1,22,082	33,798
Arcot, North	1,01,385	52,710	94,841	1,25,115	94,193	78,073
Arcot, South	99,020	2,74,688	1,01,946	47,416	1,00,958	93,470
Bellary	69,867	4,925	75,131	2,548	69,886	16,205
Chingleput	1,20,500	78,369	1,51,074	6,249	1,24,212	1,405
Chittoor	96,499	1,21,629	96,164	93,223	92,390	20,294
Coimbatore	1,80,158	45,721	1,79,931	55,953	1,79,425	1,13,665
Cuddapah	52,447	25,959	52,530	15,774	52,610	27,636
Ganjam	76,891	1,82,483	77,024	10,870	73,463	2,651
Godavari, East	40,206	..	40,522	..	37,240	4,400
Godavari, West	43,462	1,56,835	42,874	1,132	45,005	3,361
Guntur	72,136	1,51,466	67,816	1,48,124	66,348	1,79,738
Kanara, South	62,935	50,902	59,522	22,552	64,978	25,221
Kistna	1,02,534	2,67,462	89,457	1,02,472	85,417	8,085
Kurnool	1,20,388	18,693	1,30,390	33,833	1,16,605	52,768
Madura	98,980	2,308	52,425	..	55,109	5,626
Malabar	94,320	2,09,974	79,250	1,82,406	74,675	1,37,152
Nellore	97,565	2,06,275	89,966	3,51,562	94,635	2,38,117
Nilgiris, the	44 635	..	53,133	..	51,064	2,36,232
Ramnad	41,149	186	25,129	219	22,832	1,726
Salem	1,24,227	10,597	88,502	4,853	86,270	10,418
Tinnevelly..	79,939	1,581	61,758	..	57,001	7,963
Trichinopoly	1,14,404	67,105	1,24,727	22,062	1,08,905	4,582
Vizagapatam	1,09,488	2,02,389	1,09,548	4,22,985	1,11,456	4,75,881

31st January 1936]

District and name of municipality. (1)	1931–32. Ordinary expenditure. (2)	1931–32. Capital expenditure. (3)	1932–33. Ordinary expenditure. (4)	1932–33. Capital expenditure. (5)	1933–34. Ordinary expenditure. (6)	1933–34. Capital expenditure. (7)
	RS.	RS.	RS.	RS.	RS.	RS.
Municipalities.						
Anantapur district—						
1 Anantapur	2,968	..	3,136	..	2,853	6,735
Arcot North district—						
2 Tiruvannamalai ..	3,070	..	3,042	..	3,171	6,216
3 Vaniyambadi ..	1,851	..	1,436	..	1,802	..
4 Vellore	5,870	11,691	5,745	28,139	9,232	20,347
5 Walajapet	1,236	..	1,241	..	1,369	..
Arcot South district—						
6 Cuddalore	1,530	..	1,926	..	1,730	..
7 Villupuram ..	1,218	..	1,250	..	1,201	..
Bellary district—						
8 Bellary	6,050	..	4,985	..	4,890	..
9 Hospet	2,511	..	2,214	..	2,464	..
Chingleput district—						
10 Chingleput	2,501	..	1,893	..	1,873	..
11 Saidapet	2,417	10,022	4,678	..	5,620	..
Chittoor district—						
12 Chittoor	4,443	..	3,901	..	4,283	..
Coimbatore district—						
13 Coimbatore ..	21,725	..	24,686	..	23,174	..
Ganjam district—						
14 Berhampur ..	1,487	..	1,638	..	1,582	..
15 Chicacole	..	..	951	..	1,059	..
Godavari East district—						
16 Rajahmundry ..	1,588	..	1,503	..	1,696	..
Godavari West district—						
17 Ellore	4,646	..	5,624	4,604	5,558	..
Guntur district—						
18 Guntur	4,953	..	3,949	..	5,317	3,173
19 Ongole	1,772	..	1,773	..	1,586	..
Kanara South district—						
20 Mangalore	3,950	..	3,938	..	4,297	..
Kistna district—						
21 Bezwada	8,556	..	9,035	..	8,369	..
22 Masulipatam ..	1,590	..	1,619	..	3,299	..
Kurnool district—						
23 Kurnool	2,729	..	1,968	..	2,736	..
24 Nandyal	3,337	..	2,453	..	3,895	..
Madura district—						
25 Dindigul	3,069	..	3,300	..	2,031	..
26 Madura	22,639	5,031	9,050	783	11,848	..
Malabar district—						
27 Calicut	14,846	..	15,641	..	15,561	..
28 Palghat	4,250	..	4,311	7,945	4,144	..
29 Tellicherry	2,262	..	2,461	..	2,453	..
Nellore district—						
30 Nellore	3,861	..	3,449	..	3,507	..
Nilgiris, the district—						
31 Ootacamund ..	2,609	..	4,651	..	6,177	..
Ramnad district—						
32 Virudunagar ..	..	..	1,837	..	4,208	..
Salem district—						
33 Salem	2,458	19,956	1,763	780	1,577	..
Tinnevelly district—						
34 Palamcottah ..	2,313	..	2,457	..	2,475	42
35 Tinnevelly	3,735	..	1,506	..	1,524	..
Trichinopoly district—						
36 Karur	4,178	..	4,640	..	5,036	..
37 Trichinopoly ..	6,831	..	5,963	..	6,883	..
Vizagapatam district—						
38 Anakapalle	4,589	..	4,619	..	4,840	..
39 Bimlipatam ..	919	..	938	..	1,025	..
40 Vizagapatam ..	7,723	..	8,026	..	6,485	..
41 Vizianagram ..	988	..	998	..	907	..

[31st January 1936

(2)

LIST OF MEMBERS OF THE BOARD OF COMMUNICATIONS, MADRAS.

President.

1 The Hon. the Minister for Local Self-Government.

Secretary.

2 The Secretary to Government, Local Self-Government Department.

Members.

3 The Chief Engineer, Public Works Department, General, Buildings and Roads.

4 The Commander, Royal Engineers, Madras district, Bangalore.

5 The Inspector-General of Police, Madras.

6 The Director of Agriculture, Madras.

7 The Chief Engineer for Irrigation.

8 Mr. R. M. Palat, M.A., Bar.-at-Law, B.C.L., M.L.C., President, District Board, Malabar.

9 M.R.Ry. R. Shanmugha Rajeswara Sethupathy Avargal, Raja of Ramnad, President, District Board, Ramnad.

10 M.R.Ry. A. V. Bhanoji Rao Garu, M.L.C., Chairman, Municipal Council, Vizagapatam.

11 Major F. Church, M.B.E., Secretary, Automobile Association of Southern India, Kardyl Buildings, No. 1/18, Mount Road, Madras (nominee of the Automobile Association of Southern India).

12 Mr. A. E. C. Morris, Messrs. McKenzies, Limited, Burmah-Shell House, Esplanade, Madras (nominee of the Indian Roads and Transport Development Association, Limited, Madras).

13 Mr. G. L. Orchard, care of the Burmah-Shell Oil Storage and Distributing Company of India, Limited, Madras (nominee of the Madras Chamber of Commerce).

14 M.R.Ry. S. Krishna Ayyar Avargal, Manager, Messrs. Raval and Company, No. 8, Second-line Beach, Madras (nominee of the Southern India Chamber of Commerce).

15 Mr. F. G. Luker, Messrs. Addison and Company, Limited, Mount Road, Madras (nominee of the Madras Trades Association).

16 Lieut.-Col. C. H. Brock, O.B.E., V.D., 'Glenview,' Coonoor (Nilgiris) (nominee of the United Planters' Association of Southern India).

17 Mr. H. N. Colam, Agent, Madras and Southern Mahratta Railway Company, Limited, Park Town, Madras (nominee of the Madras and Southern Mahratta Railway Company, Limited).

18 Mr. C. A. Muirhead, Agent, South Indian Railway Company, Limited, Trichinopoly (nominee of the South Indian Railway Company, Limited).

31st January 1936]

Appendix VI.

[Vide answer to question No. 669 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 31st January 1936, page 276 supra.]

Number of maternity cases in the Queen Alexandra Hospital for Women at Salem since June 1935.

Month.	Number of labour cases.
June 1935	36
July 1935	52
August 1935	50
September 1935	48
October 1935	42

2. There are 21 beds in the hospital and all of these are meant as far as possible for maternity cases and gosha ladies who do not wish to be treated in the Headquarters Hospital.

தமிழ்நாடு சட்டமன்றப் பேரவை
TAMIL NADU LEGISLATIVE ASSEMBLY
வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Saturday, the 1st February 1936.

The House met at eleven of the clock, Mr. President (the Hon. Mr. B. RAMACHANDRA REDDI) in the Chair.

PRESENT:

Reddi Nayudu, *Kt*. The Hon. Rai Bahadur Sir K. V.
Pannirselvam, The Hon. Rao Bahadur A. T.
Souter, K.C.I.E., C.S.I., I.C.S., The Hon. Sir Charles.
Bracken, C.S.I., C.I.E., I.C.S., The Hon. Mr. G. T. H.
Raja of Bobbili, K.C.I.E., The Hon. the.
Rajan, The Hon. Mr. P. T.
Kumaraswami Reddiyar, The Hon. Diwan Bahadur S.
Abdul Hameed Khan Sahib Bahadur.
Ahmed Meeran Sahib Bahadur.
Alamelumangathayaramma, Mrs. K.
Annamalai Chettiyar, Mr. S. A. A.
Appadurai Pillai, Diwan Bahadur A.
Arasu, Mr. V. T.
Ari Gowder, Mr. H. B.
Basheer Ahmed Sayeed Sahib Bahadur.
Basu Dev, Mr. C.
Beyabani Sahib Bahadur, S. M. K.
Bhanoji Rao, Sri. A. V.
Boag, C.I.E., I.C.S., Mr. G. T.
Devadasan, Mr. M.
Dharmalingam Pillai, Rao Sahib V.
Foulkes, Mr. G. F. F.
Gopalaswami Mudaliyar, Diwan Bahadur M.
Harischandrudu Nayudu, Mr. A.
Indrayya, Mr. C.
Iswaran Pillai, Mr. I. C.
Jagannatha Raju, Rao Bahadur G.
Jagannatham, Mr. H. M.
Javad Hussain Khan Sahib Bahadur, Khan Bahadur.
Jayaram Nayudu, Rao Sahib C.
Jones, I.C.S., Mr. C. E.
Kesavaramamurti Nayudu, Mr. K.
Kolanda Reddi, Rai Sahib C.
Krishnamurti, Rao Bahadur D.
Krishnan, Mr. C.
Kumararaja of Venkatagiri, The.
Langley, Mr. W. K. M.
Madanagopal Nayudu, Mr. R.
Maharaja of Parlakimedi, The.
Manikkavelu Nayakar, Mr. M. A.
Moidoo Sahib Bahadur, Khan Bahadur T. M.
Moses, Mr. P. C.
Muhammad Meera Ravuttar Bahadur, K. P. V. S.
Muniswami Pillai, Rao Sahib V. I.
Muthiah Chettiyar of Chettinad, Raj Kumar M. A.
Muthu Chettiyar, Rao Bahadur P. C.
Nachiyappa Gounder, Mr. K. A.
Nadimuthu Pillai, Mr. A. Pl. N. V.
Nanjappa Bahadur, Rao Bahadur Subadar-Major S. A.
Narasa Reddi, Mr. T.
Narasimhaswami, Rao Sahib D. V.
Natesa Mudaliyar, Diwan Bahadur C.
Palat, Mr. R. M.
Parthasarathi Ayyangar, Mr. C. R.
Patnaik Mahasayo, Sriman M. G.
Patro, K.C.I.E., Rao Bahadur Sir A. P.
Pattabhiramayya, Mr. K.
Peddi Raju, Mr. P.
Pocker Sahib Bahadur, B.
Premayya, Mr. G. R.
Rajagopala Pillai, Mr. P. V.
Ramakrishna Reddi, Mr. A.
Ramalingam Chettiyar, Diwan Bahadur T. A.
Ramalinga Reddi, Mr. C.
Ramamurti, Rao Sahib Pandit Ganala.
Raman Menon, Mr. K. P.
Ramaswami Ayyar, Mr. T. S.
Ramaswami Mudaliyar, Mr. V. M.
Rameswara Rao, Mr. G.
Ranganatha Mudaliyar, Mr. A.
Rangaswami Reddi, Mr. M. B.
Ratnasabhapati Mudaliyar, Diwan Bahadur C. S.
Reid, Mr. D. M.
Rukmani Lakshmipathi, Mrs. A.
Russell, I.C.S., Mr. T. B.
Schamnad Sahib Bahadur, Khan Bahadur Mahmud.
Scott Brown, I.C.S., Mr. W.
Sesha Reddi, Rao Bahadur B. P.
Shetty, Mr. A. B.
Siva Raj, Rao Sahib N.
Smith, Mr. J. M.
Sreshta, Mr. M. S.
Srinivasa Ayyangar, Mr. T. C.
Srinivasan, Diwan Bahadur R.
Sriramulu, Mr. G.
Subbarayan, Dr. P.
Subrahmanya Bhatt, Mr. U. C.
Sundara Rao Nayudu, Mr. T.
Syed Tajuddin Sahib Bahadur, Khan Sahib.

PRESENT—*cont.*

Thangal, Mr. P. M.
Uzielli, C.I.E., I.C.S. Mr. H. R.
Vasudeva Pillai, Mr. V. G.
Vedachala Mudaliyar, Rao Sahib M.
Venugopal Nayudu, Rao Bahadur R. K.
Yahya Ali Sahib Bahadur, Khan Bahadur.
Yakub Hasan Sahib Bahadur.
Zamindar of Bodinayakkanur, The.
Zamindar of Kirlampudi, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Excise

Advantages of the grouping system of toddy shops.

* 671 *Q.*—Mr. K. A. Nachiyappa Gounder: Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) what the names are of the toddy shops that are brought under the group system at Salem;

(*b*) what the amount of sale fetched by each of those shops was in each year for the past five years ending with 1934–35;

(*c*) what the sale amount of the group for the current year is;

(*d*) for what special reasons this sort of grouping has been made and what are the advantages and disadvantages of this system;

(*e*) in how many places in this Province such a system has been adopted and what those places are;

(*f*) what the net income or loss is in each of those places when compared to the income from those shops during the previous year;

(*g*) how many shops, each of such groups contains; and

(*h*) when was this system of grouping brought in?

A.—(*a*) Five toddy shops in Salem town and ten rural toddy shops adjoining them were disposed of in one group for a period of two years from 1st October 1935. The Government have no information as to the names of the shops.

(*b*) The average monthly rental of these shops for the last five years was Rs. 29,555. The Government have no other information.

(*c*) Rupees 32,000 per mensem.

(*d*) The attention of the hon. Member is invited to the answer to clause (*a*) of question No. 470 answered on 5th November 1935.

(*e*) So far as the Government are aware, shops were also sold in groups in the towns of Bellary and Kurnool.

(*f*) The sale by groups resulted in an increase in rental of about Rs. 35,000 in each of the places mentioned in clause (*e*).

(*g*) The Government have no information.

(*h*) It has been a recognized method since 1896.

1st February 1936]

Mr. A. Ranganatha Mudaliyar :—" Sir, in answer to clause (*h*), it is said that it has been a recognized method since 1896. Am I to understand, Sir, that it was given effect to all these years or only recently adopted? "

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar :—" The Commissioner has been given discretion to adopt this method whenever local conditions require it.

Mr. A. Ranganatha Mudaliyar :—" Had it been so adopted before last year? "

The Hon. Diwan Bahadur S. Kumaraswami Reddiyar :—" I think so, though I have no specific information."

Diversion of toddy tapped for one shop to another.

* 672 *Q.*—Mr. K. A. Nachiyappa Gounder : Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) whether the toddy tapped from trees marked for a particular shop can be taken to other shops for sale and if so, under what authority;

(*b*) whether it is a fact that the group shop contractor at Salem has been permitted to take the toddy tapped from trees marked for certain shops in the group to Bangalore;

(*c*) if so, whether a copy of the permission and licence granted in the matter will be placed on the table;

(*d*) whether such a permission is usually given or whether this is a novel procedure; and

(*e*) if novel, what the special reasons are for this deviation?

A.—A report has been called for.

Mixing of toddy for shops under the grouping system.

* 673 *Q.*—Mr. K. A. Nachiyappa Gounder : Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) whether the toddy tapped from trees marked for a particular shop can be mixed up with toddy from trees specifically marked for other shops, and then a general distribution made to various shops as demands arise day by day;

(*b*) whether this method can be adopted ordinarily or whether any special permission is required for doing so; and

(*c*) whether it is a fact that such a practice is followed at the group shops at Salem and permission has been granted therefor?

A.—A report has been called for.

Excise duty on homœopathic medicines imported from Bengal.

* 674 *Q.*—Mr. G. Rameswara Rao : Will the Hon. the Minister for Education and Excise be pleased to state—

(*a*) whether any excise duty is being levied on import of homœopathic medicines from Bengal into our Presidency;

[1st February 1936

(b) if so, what the rules on the subject are and on what basis the duty is levied; and

(c) whether any duty is payable on homœopathic pills, which are simply brought in contact with medical tinctures and are then bottled up, which do not contain any alcohol in them and, if so, on what basis is duty levied on them?

A.—(a) Excise duty at the rate of Rs. 10 per proof gallon of the spirit contents is levied on homœopathic medicines containing spirit as in the case of other spirituous medicinal preparations imported from Bengal into this Presidency.

(b) The rules on the subject are contained in the notification of the Commissioner of Excise published at page 454 of Part II of the *Fort St. George Gazette*, dated 3rd March 1931.

(c) Duty is leviable only on preparations containing spirits and the import of preparations which do not contain spirit is not under excise control. Homœopathic pills, being solids, have no spirit contents. No duty is therefore leviable on them.

Registration

Confirmation of the acting clerks of the Registration department, Guntur district.

* 675 *Q.*—Mr. P. V. Krishnayya Choudari: Will the Hon. the Minister for Public Works be pleased to state—

(a) how many acting clerks there are in the Registration department in Guntur district;

(b) what the religion, caste, or community, of each is;

(c) when were they entertained and what the total period of their service up to date is;

(d) how many vacancies arose in the clerical establishment of the Registration department in the Guntur district during the last 10 years;

(e) how many were filled in from the approved list of acting clerks and what their ranks were in the list on the dates of their confirmation and how many were transferred from other districts; and

(f) what the reasons are for overlooking the claims for confirmation of the acting clerks in Guntur district?

A.—The Government have not the information but have called for it.

Mr. G. R. Premayya:—" The answer shows that the information has not yet been received. It is about two months since the question was sent. Will the Hon. the Minister please communicate the information to the questioner without a further question being put? "

The Hon. Mr. P. T. Rajan:—" As soon as we get the information, it will be supplied to the House. It is not yet two months. The history of the department in Guntur district as wanted by the hon. Member in the question cannot be obtained in a short time."

1st February 1936]

Local Self-Government

Postponement of the date of elections to the District Boards of Guntur and Ongole.

* 676 *Q.*—Mr. K. A. Nachiyappa Gounder: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that the new general elections for the Guntur and Ongole District Boards have been postponed from a date which was originally thought of for the purpose;

(*b*) if so, what the reasons therefor are and whether a copy of the order passed in the matter will be placed on the table;

(*c*) when the elections for these two district boards are to be commenced and completed;

(*d*) when the life of the present District Boards of Guntur and Ongole is to expire; and

(*e*) whether orders have been passed in these matters, and, if so, whether copies of them will be placed on the table?

A.—(*a*) Yes.

(*b*), (*d*) & (*e*) Attention is invited to the notification on the subject published on page 609 of Part I-A of the *Fort St. George Gazette*, dated 24th December 1935.

(*c*) The elections will be commenced in January 1936 and completed by 10th February 1936.

Fixation of the strength of the ministerial staff of district boards and orders, if any, governing promotions.

* 677 *Q.*—Mr. M. B. Rangaswami Reddi: Will the Hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether the Government have fixed the number of ministerial staff of each district board; and if so, what it is;

(*b*) the qualifications prescribed for holding the post of Secretary, Superintendents and Manager of the district board offices;

(*c*) whether there is any Government Order authorizing the Presidents of district boards to select persons from among the clerks serving in lower and upper divisions for the post of Secretary, Superintendents and Manager of the district board offices; and

(*d*) if so, whether a copy of the order will be placed on the table?

A.—(*a*) The attention of the hon. Member is invited to the answer to question No. 657.

(*b*) The qualifications prescribed for the posts referred to are contained in the rule issued with Notification No. 1523, published on page 562 of Part I-A of the *Fort St. George Gazette*, dated the 3rd December 1935.

[1st February 1936

(c) & (d) In G.O. No. 276, L. & M., dated the 25th January 1935, the procedure in regard to making appointments to these posts by presidents of district boards, has been laid down. This Government Order was already placed on the table of the House in reply to clause (a) of question No. 802 answered on the 11th March 1935.

Elections to the Provincial Legislatures

Programme of elections to the local legislature under the Reforms.

* 678 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Member for Finance be pleased to state—

(a) at what stage the preparations for elections to the local legislatures under the new reforms are; and

(b) when the new elections are likely to take place?

A.—The hon. Member is referred to the answer given to question No. 346, at the meeting of the Legislative Council on 31st October 1935.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know if the Hon. Member is not able to tell definitely at least now when the elections are likely to come up?"

The Hon. Mr. G. T. H. BRACKEN:—"No, Sir, I have no definite information."

B. POCKER SAHIB Bahadur:—"Did not the Conference which was held at Delhi throw more light on this matter?"

The Hon. Mr. G. T. H. BRACKEN:—"The matter was discussed at Delhi; but a good deal depends on the publication of the Hammond Committee's Report."

S. M. K. BEYABANI SAHIB Bahadur:—"Is the Hon. Member aware that the papers have forcasted to the effect that the elections will be held in January?"

The Hon. Mr. G. T. H. BRACKEN:—"I am not aware of that."

Provincial Finance

Rate of interest charged by the Government of India for the current year.

* 679 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Member for Finance be pleased to state whether the interest rate of the Government of India for the current year has been announced and, if so, what it is and when it was received?

A.—Yes. The standard rate of interest to be charged by the Provincial Loans Fund in respect of advances made to Provincial Governments in 1935–36 is $3\frac{1}{4}$ per cent per annum. The information was received by this Government on 1st September 1935.

General

Representations received for and against the Tobacco Bill.

*680 *Q.*—Mr. K. A. Nachiyappa Gounder: Will the Hon. the Member for Revenue be pleased to state—

(*a*) how many representations have been received so far protesting against the Tobacco Bill and how many favouring it;

(*b*) in what way they have been disposed of;

(*c*) whether the Collectors of districts and the Members of the Board of Revenue have been consulted about the introduction of this measure;

(*d*) what the opinion offered by each of the Members of the Board of Revenue is;

(*e*) what each of the Collectors said about the proposal;

(*f*) whether any public bodies or recognized associations of the public were consulted to ascertain public opinion about this proposal of new taxation;

(*g*) if so, what they are and what opinion each of them offered; and

(*h*) whether any preliminary survey has been made about the number of licences likely to be issued, the general enforcement of the measure and other kindred matters and if so, whether a copy of the report got in the matter will be placed on the table?

A.—(*a*) Two hundred and seven representations have been received. Thirteen are in favour of the Bill and the rest are against it.

(*b*) Such of them as were received in time were placed before the Select Committee of the Legislative Council, which considered the Bill.

(*c*) The Board of Revenue was consulted. It is not usual to consult the members of that body individually. Collectors were consulted generally in 1931 on the proposals which led to this measure. They were not consulted on the present Bill.

(*d*) & (*e*) The Government are not prepared to divulge the opinions expressed by their officers.

(*f*) The Select Committee invited the opinions of all persons and bodies interested in the Bill.

(*g*) The information cannot be compiled without an undue expenditure of time and labour.

(*h*) The Government have received a report from the Board of Revenue regarding the number of licences likely to be issued. The Government are not prepared to lay the report on the table.

[1st February 1936

Mrs. A. Rukmani Lakshmipathi :—" May I ask the Hon. Member in charge whether it is not in the interests of the House to publish the opinions of the Collectors? "

The Hon. Sir Charles Souter :—" I think the hon. Lady Friend will find in answer to (c) that the Collectors were generally consulted in 1931. They were not consulted recently on the matter and it seems to me that no object would be gained in publishing the opinions which were given in 1931."

Mrs. A. Rukmani Lakshmipathi :—" May I know why the opinions were not gathered recently? "

The Hon. Sir Charles Souter :—" Because Government considered they had all the information necessary."

Mr. K. A. Nachiyappa Gounder :—" What is the objection to place the report of the Board of Revenue before the House? "

The Hon. Sir Charles Souter :—" I think that most of those who oppose the Bill do not like to read the report of the Board of Revenue on the Bill."

Mr. Abdul Hameed Khan :—" May I know if the Government have not consulted Collectors recently before they prepared the Bill? "

The Hon. Sir Charles Souter :—" The answer is here. Collectors were not consulted on the present Bill before the House."

B. Pocker Sahib Bahadur :—" May I know whether it is not a fact that there was a proposal to drop the Bill before the Select Committee? "

The Hon. Sir Charles Souter :—" Yes, Sir, the majority of the Select Committee were against the proposal."

Mr. Abdul Hameed Khan :—" In view of the knowledge of the Hon. the Revenue Member that all sections of the House are likely to oppose the Bill, has he considered the question of dropping the Bill? "

The Hon. Sir Charles Souter :—" I do not anticipate what this Hon. House intends to do."

Irrigation

Failure of water in the Chepad channel, Proddatur taluk.

* 681 *Q.*—Mr. T. Narasa Reddi : Will the Hon. the Member for Revenue be pleased to state—

(*a*) whether it is a fact that water in the Chepad channel, Proddatur taluk, has been reduced this year and in consequence of which the paddy crops under this channel have suffered to a large extent;

(*b*) whether it is a fact that many sluices in the channel have been closed;

1st February 1936]

(c) whether it is a fact that some sluices proposed to be opened have been delayed to be opened indefinitely;

(d) whether it is a fact that the assessment of water-rate is uneven under this project; and

(e) whether it is a fact that this project is working at a profit; if so, what the rate of interest realized on the capital outlay is?

A.—(*a*) *to* (*c*) The Government have no information.

(*d*) The attention of the hon. Member is invited to the answer to clause (*c*) of question No. 298 answered on 30th October 1935.

(*e*) The information is not available as separate Capital and Revenue accounts are not kept for the project.

Mr. T. Narsa Reddi:—" With reference to the answer to clauses (*a*) to (*c*) in view of the fact that there is a large number of complaints from the ryots, will the Government be pleased to call for the information? "

The Hon. Sir Charles Souter:—" Sir, I do not hear."

* The Hon. the President:—" Will the Hon. Member make himself more audible? "

Mr. T. Narasa Reddi:—" Will the Government be pleased to call for the information? "

The Hon. Sir Charles Souter:—" Sir, I think the public should approach the Public Works Department authorities or the Revenue authorities in this matter."

Alleged silting up of the Kaveripauk tank in the North Arcot district.

* 682 *Q.*—Mr. V. M. Ramaswami Mudaliyar: Will the Hon. the Member for Revenue be pleased to state—

(*a*) the capacity and extent of the ayacut under the Kaveripauk tank and the income thereunder;

(*b*) whether, and how many times, it has gone dry during the past 20 years;

(*c*) the extent of the silt in the tank and when it was removed for the last time; and

(*d*) the extent of money spent for the removal of silt each year during the last ten years?

A.—(*a*) Capacity, 1,474 million cubic feet.
Ayacut, 5,959 acres.
Income, Rs. 48,974.

(*b*) The tank was never found to be dry in the rainy season, but it gets dry almost every year in the summer, i.e., for some time between the months of April and September, the usual rainy season for the locality and the Palar being from October to December.

[1st February 1936

(c) & (d) The depth of silt in the deep bed above the level of the lowest sluice was said to be 12 feet even from the year 1853. The average deep bed is now found to be 14 feet above the sill of the lowest sluice. No silt clearance in the tank appears to have been done for deepening the bed.

Mr. A. RANGANATHA MUDALIYAR:—" In view of the fact that the tank is silted up very considerably, have the Government ever considered the question of restoring the original position? "

The Hon. Sir CHARLES SOUTER:—" Not that I am aware of. I must however controvert that statement of my hon. Friend. The depth has increased only two feet since 1853."

Diwan Bahadur A. APPADURAI PILLAI:—" May I know from the Hon. the Revenue Member, having regard to the condition of these tanks like Kaveripauk and Mamandur in the North Arcot district, whether Government will be pleased to instruct the tank restoration parties to include the removal of silt from these tanks in their programme of works? "

The Hon. Sir CHARLES SOUTER:—" That question has been raised and the technical opinion is that the removal of silt in those tanks is not a desirable matter. The proper course is to increase the supply and heighten the bund and not to attempt to clear the silt. That is the technical opinion on the matter."

Mr. A. RANGANATHA MUDALIYAR:—" If the depth of the silt has increased by two feet, how much does it mean in the reduction of the capacity of the tank?

The Hon. Sir CHARLES SOUTER:—" Notice."

Land Revenue Administration

Intimation of impending transfers in the case of Deputy Collectors.

* 683 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the I.C.S. officers are ordinarily consulted or at least intimated allowing sufficient time before they are transferred from one station to another;

(b) whether the same privilege is allowed to Deputy Collectors and other gazetted officers; and

(c) if the reply be in the negative, why they are not shown such courtesy?

A.—(a) I.C.S. officers are not consulted before they are transferred from one station in the Presidency to another. Orders of transfer are ordinarily communicated to them as soon as a decision is made. The rules provide for joining time including time for preparation for all officers.

(b) & (c) The attention of the hon. Member is invited to the answer given to question No. 642.

1st February 1936]

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know, Sir, whether the orders of transfer will be directly communicated to the officers concerned? "

The Hon. Sir CHARLES SOUTER:—" No, Sir."

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know what difficulty there is in sending a copy direct to such officers so that they may know the information beforehand and be prepared? "

The Hon. Sir CHARLES SOUTER:—" Because it would entail considerable amount of unnecessary work."

Legislative proposals for the amendment of the Madras Revenue Recovery Act with reference to the provision for the arrest and imprisonment of defaulters.

* 684 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Member for Revenue be pleased to state—

(*a*) whether there are any proposals to amend the Revenue Recovery Act so as to delete the provision for arresting and putting in jails of defaulters for arrears of land revenue; and

(*b*) when it is likely to materialise, and when the amending Bill is to come up before the Legislative Council?

A.—The attention of the hon. Member is invited to the answer to question No. 643.

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know when the examination of this matter will be concluded and the Bill brought up? "

The Hon. Sir CHARLES SOUTER:—" The report of the Board of Revenue has not been received, Sir."

Proposals of land revenue remission for the current fasli.

* 685 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Member for Revenue be pleased to state—

(*a*) whether there are any proposals for allowing some remission in land revenue for the current fasli as has been done in the past two faslis;

(*b*) if so, what they are and when orders are likely to be passed in the matter;

(*c*) whether the Collector of each district was asked to submit any report in the matter;

(*d*) whether all such reports have been received; and

(*e*) whether a copy of the report submitted by the Collector of Salem will be placed on the table?

A.—(*a*) & (*b*) The matter is under consideration.

(*c*) & (*d*) Yes.

(*e*) No.

[1st February 1936

Mr. K. A. Nachiyappa Gounder:—" With regard to the answers to clause (c), may I know what difficulty there is in placing the report before this House? "

The Hon. Sir Charles Souter:—" Because I do not think that the report of the Collector should be placed on the table of the House."

Mr. A. Ranganatha Mudaliyar:—" If the work is already taken up, will the Government expedite the order so that relief may be available? "

The Hon. Sir Charles Souter:—" All in good time."

Mr. A. Ramakrishna Reddi:—" May I know, Sir, if the policy of distributing remission will be based on the economic condition prevailing in the districts? "

The Hon. Sir Charles Souter:—" I should like to do so, Sir. As I said once before, if any Member could give a satisfactory formula to work out, I shall be only too grateful to him."

Mrs. A. Rukmani Lakshmipathi:—" Will the Hon. the Revenue Member informally tell the House what the intentions of the Government are in the matter? " (Laughter.)

The Hon. Sir Charles Souter:—" Not even the blandishments of the hon. the Lady Member will make me do that." (Laughter.)

Mr. K. A. Nachiyappa Gounder:—" May I know, Sir, whether the report from the Collector of Salem is in favour of or against the remission? "

The Hon. Sir Charles Souter:—" I cannot reply to that, Sir."

Report of the Collector of Salem regarding the need for land revenue remission.

* 686 *Q.*—Mr. K. A. Nachiyappa Gounder: Will the Hon. the Member for Revenue be pleased to state—

(a) whether any special report has been received from the Collector of Salem either by the Government or by the Board of Revenue in the matter of giving some liberal remission on account of the poor condition, and absence of timely rainfall in this district this year;

(b) if so, whether a copy of it will be placed on the table; and

(c) what orders have been passed on the report and whether a copy of it will be placed on the table?

A.—The Government have not received any special report in the matter from the Collector of Salem. They have no information as to whether the Board of Revenue has received any such report.

1st February 1936]

Labour

Transfer of the management of the Labour schools in Malabar to the district board.

* 687 *Q.*—Mr. H. M. Jagannatham: Will the Hon. the Home Member be pleased to state—

(*a*) whether it is a fact that the Malabar District Board has requested the Government to hand over the management of the Labour schools in Malabar to the district board and, if so, what the Government have done in the matter;

(*b*) whether it is a fact that the Government have already handed over the management of Labour schools in some districts to the respective district boards and, if so, what the districts are in which it has been done;

(*c*) whether it is a fact that it is the declared policy of the Government that separate schools for the depressed classes should not be allowed in places where there are other schools;

(*d*) whether it is a fact that most of the separate Adi-Dravida schools run by the Labour department in Malabar are located very close to other recognized schools;

(*e*) whether it is a fact that the Government have received representations from the depressed classes of Malabar that these separate Labour schools are militating against the education of Adi-Dravida children in general schools and, if so, what the Government have done in the matter; and

(*f*) whether it is a fact that the Malabar District Board is now going on with a special programme of Adi-Dravida education in general schools and, if so, whether this policy of the board has received the support of the Government?

A.—(*a*) Yes. The Government have informed the District Board that the time is not ripe for complying with their request as the Labour Department has not completed its work in any particular area.

(*b*) Yes. The labour schools in some of the taluks in the districts of Tinnevelly, Coimbatore, Chittoor, Kurnool, Cuddapah, Guntur, East Godavari and South Arcot have been handed over to the local boards, on completion of the work of the Labour Department in those taluks.

(*c*) The policy of the Labour Department is to endeavour as far as possible to get the depressed class pupils admitted into the elementary schools already existing in the locality and to open separate schools for them only in places where, owing to caste prejudices, the existing schools are not easily accessible to them or in places where there are no schools.

[1st February 1936

(*d*) The Government have no information.

(*e*) Two representations were received from Mr. Kannan, a member of the District Board and President, Kerala Adi-Dravida Sabha. The Government do not think that the time is ripe for dispensing with separate schools for the depressed classes.

(*f*) The Government have received a copy of the recommendations of a committee appointed by the District Board to consider the question of providing better facilities for Adi-Dravida pupils in schools under it. They have no objection to the provision of such facilities by the Board from its own funds.

Rao Sahib V. I. MUNISWAMI PILLAI:—" With reference to (*a*) will the Hon. the Home Member be pleased to state whether and when the Labour Department expects to complete the work in this particular area? "

The Hon. Mr. A. T. PANNIRSELVAM:—" It is not possible to foretell with any amount of accuracy when the work will be completed."

Rao Sahib V. I. MUNISWAMI PILLAI:—" Will the Government by subsidizing the local boards be able to afford facilities for the Adi-Dravidas? "

The Hon. Mr. A. T. PANNIRSELVAM:—" Not in a place where we ourselves are carrying on the work."

Police

Death of one Nunnu alias Muniyan, whilst in the police lock-up in Maduravayal, Chingleput district.

* 688 *Q.*—Diwan Bahadur R. SRINIVASAN: Will the Hon. the Home Member be pleased to state—

(*a*) whether it is a fact that an Adi-Dravida, Nunnu alias Muniyan, was on the 17th September 1935 arrested and taken for petty theft by a Sub-Inspector and two constables and put into a lock-up at the Mudura-vayal Police station, Poonamallee road, Chingleput district, and that there his dead body was afterwards found hanging by a cloth from the lock-up window;

(*b*) whether there was any guard to watch the prisoner in the lock-up during the night;

(*c*) what the allegations made by Nunnu's relatives were against the Sub-Inspector and two constables;

(*d*) whether it is a fact that Nunnu's relatives presented a petition to the Deputy Superintendent of Police that the body of Nunnu should be sent to the Madras General Hospital for post-mortem examination and not to Poonamalle, because they alleged that the police would influence the medical officer there and obtain a certificate favourable to them;

1st February 1936]

(e) whether the Deputy Superintendent sent the body to the General Hospital; and

(f) whether the Government will be pleased to place on the table the report made by the medical officer who conducted the examination?

A.—(a) Yes.

(b) Yes. A guard was posted over the prisoner. As however the door of the lock-up was a solid wooden one with only a small aperture, it was not practicable for the sentries to keep the prisoner constantly in view.

(c) Nallathambi, the brother of the deceased, and Chinnathambi, the brother-in-law of the deceased, both made allegations at the inquest that the deceased was assaulted by the Sub-Inspector and constables. Both these persons alleged that they witnessed the actual assault taking place and that they were together at the time. The former alleged that the Sub-Inspector kicked the deceased in the stomach whilst he was in the station compound and that then two constables bumped the deceased on the ground and the deceased made no sound after this. The latter alleged that the Sub-Inspector and constable beat the deceased with lathis inside the station and that he was given about 40 or more blows. It was the contention of these witnesses that the death of the deceased was caused by the police. No injuries were found on the body of the deceased to support the allegations made by these two relations.

(d) & (e) Yes.

(f) A copy [a] of the report is annexed.

Removal of the punitive police at Attayampatti.

* 689 Q.—Mr. K. A. Nachiyappa Gounder: Will the Hon. the Home Member be pleased to state—

(a) whether it is a fact that orders have been passed removing the punitive police at Attayampatti village in Salem district;

(b) if so, when and whether a copy of it will be placed on the table; and

(c) whether a copy of the reports of the District Magistrate and the District Superintendent of Salem district will be placed on the table?

A.—(a) Yes.

(b) & (c) A copy [b] of G.O. No. 677, Public (Police), dated the 14th December 1935, and a copy of [b] of the report of the District Magistrate, Salem, are placed on the table of the House. The report of the District Superintendent of Police, Salem, has not been received by the Government.

a Printed as Appendix I on pages 368–369 infra.

b Printed as Appendix II on page 370 infra.

[1st February 1936

Electricity

Issue of licences to private bodies for generation and distribution of electricity in North Arcot district.

* 690 *Q.*—Mrs. A. Rukmani Lakshmipathi: Will the Hon. the Law Member be pleased to state—

(*a*) the names of taluks of the North Arcot district for which licences have been granted to private licensees to generate and distribute electric power;

(*b*) the names of licensees in the above district with their respective areas;

(*c*) the amount of energy distributed by each during the last year;

(*d*) the amount of energy sold solely for agricultural pumping; and

(*e*) the number of pumps installed by each?

A.—(*a*) Portions of Gudiyattam, Vellore and Tiruppattur taluks.

(*b*)

Licensees.	Area of supply.
(1) The Vellore Electric Corporation, Limited.	The town of Vellore and the area contained within a radius of 6 miles from the electric power house in the town as the centre.
(2) Messrs. Khaleeli Ram and Iyer.	The area bounded on the north by 12° 49′ 50″ north latitude tangential to the circle comprising the area covered by the Vellore Electric Licence; on the south by a parallel line passing through a point two miles north of Jalarpet Railway Station; on the east by the revenue taluk boundaries of Tiruppattur and Vellore; and on the west by the revenue taluk boundaries of Gudiyattam and Tiruppattur. This area comprises portions of Gudiyattam, Tiruppattur and Vellore taluks containing Vaniyambadi and Ambur towns.
(3) The North Arcot District Electric Supply Corporation.	The area bounded on the south by 12° 49′ 50″ north latitude tangential to the circle comprising the area covered by the Vellore Electric Licence, and on the east, north and west by the boundaries of the existing Vellore licensees' area, the revenue taluks of Chittoor and Gudiyattam respectively. This area comprises a portion of the Gudiyattam taluk including the municipality of Gudiyattam.

(*c*) Of the three licensees referred to in answer to clause (*b*) above, Nos. (2) and (3) have not yet commenced supply, the licences having been granted to them in August and September 1935 respectively.

No. (1) the Vellore Electric Corporation, Limited, report that they sold 289,361 units during 1934–35.

(*d*) 8,200 units in 1934–35.

(*e*) Three in 1934–35.

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

II.—BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919, FOR CERTAIN PURPOSES (BILL No. 11 OF 1934)—*cont.*

Clause 123-*A*—cont.

* The Hon. the PRESIDENT :—" The discussion on the City Municipal Bill will be resumed." 11-15 a.m.

* Diwan Bahadur A. APPADURAI PILLAI :—" Mr. President, Sir, I have stated in connexion with the sections in the City Municipal Bill relating to cheris and hutting grounds that the owners of cheris are not inclined to effect any improvements. I have also explained that even in cases where cheri-owners are willing and inclined to effect improvements it is not a practical proposition to them seeing that it is not possible for them to secure an adequate return on the capital invested in effecting such improvements. I have also explained that the conditions of the cheris at the present moment are very insanitary and absolutely dangerous to public health. My contention is that unless the root cause is removed, viz., housing the cheri people in open places with sufficient air and suitable facilities for drainage and conservancy, thousand and one welfare centres or things of that kind would not answer our purpose. All these attempts will only be rendered nugatory for the simple reason that the most important requisites for the betterment and the proper living of these cheri people are drainage and conservancy. If these are to be carried out properly, it is up to the Corporation to tackle this problem in all its seriousness with reference to a proper plan. Sir, I am very grateful to the city fathers for the generosity they have shown in dealing with this slum question. They have been pursuing a policy of slum clearance. They have constructed some model tenements here and there in the city. I could quote for instance the cheri up the Broadway which was one of the worst parts of Georgetown. I believe the Corporation acted well in putting up cheap tenements and considerably improved the condition of the people living there. They have also put up tenements for slum people living near the Clive Battery, in Washermanpet and in Bogipalayam. A great deal remains to be done. While the Corporation has earned the undying gratitude of the people of cheris, I say that it is up to the Corporation to pay attention to this question on a well-planned scheme. Probably, it would be necessary to have a slum survey in the city to find out which localities require immediate attention. Some of the worst places should be taken up first and the tolerable places may be taken up later. Anyhow, I think the scheme should be based on a ten-year programme or spread over a longer period, by which it would be possible for the Corporation to deal systematically with this question, instead of on a spasmodic or scattered scale. My suggestion is that for such a policy it is not possible to look to private enterprise. Private owners, as I have already explained—I need not detain the House any longer on.

[Mr. A. Appadurai Pillai] [1st February 1936

that aspect of the question—have not been forthcoming to take this question in all seriousness for the simple reason that it is not possible for them to realize the money that they will probably be asked to invest upon this concern.

" Sir, I have received a number of representations from several slum areas; some portions of these representations are very touchy. I do not wish to trouble the House with any detailed reading of these representations. Just a line here and a line there will show how keenly the residents of slum areas feel their inability to live better lives. One says: 'We are in a perpetual state of indebtedness and despair. There is no ray of hope to improve our lot.' Another man says very pithily: 'We ask you whether it is not the duty of the Government to see that we are lodged in healthy houses, for in our health lies your health, in our strength your strength and in our happiness your happiness.' Another man says: 'In our poverty-stricken, ill-paid hard miserable lifetime, how can we dream of becoming owners of our huts or small houses? But if the Government in addition to the rent charged collects a small sum of money for a number of years to enable us to purchase the huts, there is a chance for us to realize our hope and call the place of our living our own.' These are some of the passages from the communications I have received from the slum dwellers of Madras, and I deemed it desirable that the House also should hear them. Sir, all this no doubt means finance. The question often arises as to how this problem should be tackled. If the position is once conceded that it is the look-out of the Corporation to tackle the question of slum improvement of its own accord, the question arises how the financial problem should be met. Sir, finance has to be faced. Private owners have to face the same liability as the Corporation. Sir S. D. Simon has a very fine passage in his book with reference to that point. He says:

'One argument frequently used against extending the housing activities of local authorities is that it means incurring very heavy indebtedness, which is said to be dangerous and bad. When the same people discuss the building societies, they cannot praise too highly their immense services in raising gigantic sums of money and in using them to build houses through private enterprise and so create valuable assets for the nation! In both cases there are debts and assets, in praising the building society only the assets are considered, in discrediting the local authority only the debts. Truly a remarkable feat in rationalizing one's dislike of local authority building!'

If the question is, who should bear this burden whether the Corporation or the private owner, I believe the unmistakable answer of this Council will be that it is up to the Corporation to incur this liability and shoulder the responsibility. After all, the issue of debentures particularly for this purpose may probably bring in considerable response, and by means of loan funds it might be possible to incur expenditure on a planned scheme, bringing about a systematic improvement of cheris, providing the cheri people with the most elementary amenities of civic life.

1st February 1936] [Mr. A. Appadurai Pillai]

"Sir, there are two classes of slum people. Firstly, there is the migratory class which comes into Madras. Madras is getting overpopulated every year, for the simple reason that those who get into our blessed Madras do not get out of it whether it is the coolie or the middle-class man or the high-class person. Be that as it may, the migratory class of slum people we can find scattered all over the town. One cannot walk along the public road without seeing these people squatting on the roadside, and just beyond the kerbstone one is not able to walk along. These are used as camping places by the houseless people. Sir, walk along the road in front of the Memorial Hall and in front of the Rattan Bazaar, the tin bazaar and the glass bazaar, and you find people using the sides of the road as their habitation. The road itself is congested with the traffic of cycles, motor cycles, motor cars and other fast running vehicles, and there is no means for the wayfarer to walk about on the sides of the road, because they are all occupied by these houseless people. They set up camp fires there, prepare their meals; they contract marriages and carry on their usual avocations of life. Very happily they live under the canopy of the sky, and it is an eye sore to walk along the esplanades. Then what about the open spaces? Get along the road by the side of the fruit market and walk to the Fort railway station, and you can find groups of people living on road sides and making themselves comfortable under the trees. Sir, is it not the duty of the Corporation, which is the premier local body in the province to do something, to acquire sites and to house these people, where they can cook their meals, live and sleep there.

"There is another class of people, Sir, the coolie class the unfortunate hand cart puller and the coolie labourer who are permanent residents of the city, and have to be housed permanently on a scheme spread over a number of years. The Corporation could tackle the problem in a much better manner than any private owner. My proposition therefore is that this is a responsibility which lies heavily on the Corporation. Sir, thanks to the City Fathers, for they are already tackling the question is some way. If so, is it proper for us to arm the Corporation with powers to enforce private owners of cheris to carry out the improvements as are contemplated in sections 257-C to 257-O; should we not scrap these sections which deal with the real functions of the Corporation. Hence my suggestion to omit these sections 257-C to 257-O. With reference to the existing cheris there is ample provision in section 257-A, B and P, onwards. There are sections which 11-30 a.m. invest the corporation with sufficient authority to insist upon improvements in the way of lighting, drainage, conservancy and all that sort of thing. But the other sections which aim at enforcing that duty on private owners, I think are unnecessary, if my proposal that it is the duty of the Corporation to make these improvements is accepted. It is not my intention that my amendment should be wholly accepted. If it is found that the acceptance of my amendment will in any way mar the sequence of other provisions in the Bill, I am prepared to accept any suggestion that may be put forward on a careful scrutiny

[Mr. A. Appadurai Pillai] [1st February 1936

of the various provisions in the Bill to improve the situation. There may be drafting difficulties and other consequential alterations necessitated by the amendment, but the Secretariat would look to them. I beg of the Hon. Minister to consider this aspect, whether it is after all desirable and expediment to throw this responsibility on the private owners instead of on the local authority. We know that the Madras City Corporation is the premier local authority in the province. What is done by the Madras City would be copied by the local authorities in the mufassal. I therefore heartily commend my amendment to the acceptance of this hon. House."

* Diwan Bahadur R. SRINIVASAN:—" Sir, I second the motion. The hon. the Mover has dealt with the subject so exhaustively that I do not think it necessary to traverse the same ground over again. But the condition of the cheri is putrid and calls for urgent improvement. The boys in cheri streets sing songs to this effect: 'In towns many depressed classes people live in middle of streets; why numberless play-grounds. While hunger-striken people are without shelters, what are radios for? When people with no employment cook in mid-roads, why parks and flower gardens?'

"That is a great reflection on the condition of the city. So I support what all my hon. Friend has said with his great experience on these matters."

* Khan Bahadur JAVAD HUSSAIN KHAN SAHIB Bahadur:—" Mr. President, Sir, in the first place I must thank on behalf of the Corporation, Mr. Appadurai Pillai for saying that the Corporation has earned the undying gratitude of people, for constructing tenements. As a matter of fact, I think he has answered himself in his speech when he asked the question what the Corporation is doing. He is not the only gentleman who has made suggestions as to what the Corporation should do to better the lot of the poorer classes. I get dozens of petitions everyday regarding the matter. Everybody speaks about what the Corporation should do, but nobody can suggest from where the Corporation should find the money. When we ask where the money is to come from they reply, 'it is your look-out.' Mr. Appadurai Pillai referred to issuing debentures and thereby getting the money for carrying out these improvements. But there again one has got to find money to pay the interest on debentures, unless, indeed, some generous-minded people lend money to it without interest. As a matter of fact, these tenements that the Corporation has constructed in Bogipalayam, harbour area and a few other places and rented out to these poorer classes, do not even pay the interest on the sums invested in their construction. Mr. Appadurai Pillai has quoted chapter and verse from authorities which deal with conditions in England. I hope he will agree with me that the conditions in India are different from those in England. We cannot apply to this country what has been done there and say that the same thing should be done here. The Corporation is not obvious of the several points mentioned in the report of the

Corporation Housing Committee. It has done what it could and is trying to do what it can. As a matter of fact, the Housing Committee that sat in the Ripon Buildings for some time submitted a report wherein it suggested some wholesome improvements to be done to the poorer quarters of this city, particularly the cheris. The Corporation has asked Government for a loan of one crore of rupees. (An hon. Member: 'Two crores.') But, I suppose it will not be possible for them to grant such a large sum all at once. I hope that, if finances permit, Government will come forward with the loan and help the Corporation. As for deleting the provisions, Mr. Appadurai Pillai referred to in his speech, it seems to me that it is like casting all the responsibility on the Corporation and none at all on the private owners. There are private owners and private owners, but in the case of some of the private owners of these cheris you can more easily draw blood out of stone than get them to improve the cheri in any way. If it were possible I would introduce legislation more drastic to compel these private owners to do their duty by these people. They know only to extract rent. With these words I oppose the amendment."

Mr. Abdul Hameed Khan:—"Mr. President, Sir, I was rather surprised that my hon. Friend, the Chief Whip of the party in power, should have himself given notice of an amendment like this and moved it with such a long speech as he did. I understand that he has been a resident of this city for a long time and he knows the conditions that are obtaining in it. In spite of all that, he thought it fit to move for the deletion of this very wholesome provision. And my surprise was greater when my esteemed Friend, Mr. Srinivasan, thought it fit to second that motion. If this provision is intended for anybody it is for the depressed classes who are the people who live largely in these cheris; and more than anybody else he ought to know the conditions in which they live. The condition in which they live is worse than the condition in which even the animals are kept. Such being the case, it should be possible for somebody to improve their condition. It has not been possible for the Corporation under the present Act to compel the owners of private cheris to improve them in order that they may be made more habitable for the inmates in them. In order to rectify that defect, it has been found necessary to introduce this provision. My friend who moved for the deletion of this provision wanted the Corporation to take the entire responsibility. He forgot that a public body could not legitimately interfere with the rights of private owners, nor could it find the large sum of money that would be necessary to purchase these cheris and improve them itself. There are three classes of cheris in the city; some of them are owned by the Government, some are owned by the Corporation, that is, the ground on which those houses are built: some are private-owned cheris. Private-owned cheris are larger in number and these are the plague spots of the city. The health of this city will never improve unless these black spots are removed from the face of the city. In order that this might be done, the Corporation should be empowered to compel the owners of private cheris to improve

them at their own cost. As the Commissioner has himself pointed out, there are owners of private cheris who can well afford to improve the conditions there and enable these unfortunate people to live in houses which could be called human habitations. They can afford to do that and they can certainly raise the rent to some extent which these people also will be prepared to pay. But what is happening is this. They go and collect the rents all right, but when the question of improving the conditions of living comes, they turn a deaf ear. The Corporation cannot compel them under the present Act to effect the necessary improvements. Therefore this provision is necessary. My hon. Friend referred to the way in which coolies and labourers live in the open spaces in the heart and other parts of the city. That certainly is a question which has to be considered by a public body. Therefore the Corporation constituted a committee called the Housing Committee which went into the problem thoroughly and exhaustively and has brought out a very voluminous and very well made out report. In that report they have suggested three things: first of all to improve the cheris at the cost of the Corporation with the financial assistance of Government; the second is to build tenements in localities which would fetch low rents—and it seems to me it would be a very remunerative concern.

11-45 a.m. "Thirdly, they have also suggested extensions. These are the three suggestions they have made in that report. In order to achieve the first object, viz., the improvement of the cheris in the city, the Corporation has already taken some steps. To start with, as the Commissioner said, the Corporation has asked the Government to give them a loan of 20 lakhs. I am sure if the Government gives a loan of Rs. 20 lakhs, the Corporation will certainly carry out the improvements which my hon. Friend suggests wherever it is possible. They may even negotiate with private owners of cheris and if those people are prepared to sell the lands for a reasonable price, the Corporation will certainly be prepared to purchase them and construct tenements there. It is now left to the Government to realize the situation. I am afraid it has not been possible for the Corporation to make the Government realize that they should attach the necessary importance to the improvement of the conditions of living in the city. Housing conditions in the city are certainly far from satisfactory. It is the duty of the Government to come to the help of the Corporation by giving grants and loans to carry out this very wholesome object. I would once again appeal to my hon. Friends, Mr. Appadurai Pillai and Mr. Srinivasan, in the interests of the people who live in these cheris, not to press this amendment. It will certainly be in the interests of the people if my hon. Friend withdraws his amendment. It was said, Sir, that if this motion is not adopted, it will affect the future owners of these cheris. I do not know why one should anticipate the existence of cheris in the future. Is it not the duty of my hon. Friend, the Mover, and of my hon. Friend who seconded this motion to obliterate these cheris altogether? I am sure they will agree with me that the conditions therein are so bad that they should not exist any longer. When that should be their object, I do not know why they have come forward to delete this wholesome provision in the Bill."

1st February 1936]

* Diwan Bahadur C. NATESA MUDALIYAR:—" Mr. President, Sir, although the amendment before the House is to delete the proposed sections 257-C to 257-O, the speech of the hon. Mover was all for their retention. (Mr. T. S. Ramaswami Ayyar: 'It was just like your speech.') I am sorry for the interruption. If Mr. T. S. Ramaswami Ayyar was here yesterday afternoon he would have known how many amendments of that side were withdrawn after the Hon. Minister replied to the points raised therein. I will deal with it afterwards.

" Now, Sir, I would tell my hon. Friend, the Diwan Bahadur, representative of the Adi-Dravidas, that it is purely in the interests of the Adi-Dravidas themselves that this chapter was added. Sir, there are lands owned by Government and also by private individuals and when they are asked by the Corporation to improve the cheris built on them, they do not do anything. Therefore there is necessity for the Corporation acquiring those lands for carrying out the improvements. But on the question of acquisition all are not agreed. Some owners, on one side consent to acquisition and building model houses; on the other hand, some others say that the lands may be allowed to be improved by themselves so that they may occupy the places their ancestors occupied. So, in order to avoid acquisition, it is thought better to take power to compel the owner to effect improvement in his land and if he refuses, as he has been refusing for a number of years, to get the improvements carried out by the Corporation itself out of municipal funds and secure repayment of the expenses in instalments. If the owners are poor, municipal funds may be given or advanced. This is all for the good of the poor inhabitants of the cheris for whom my hon. Friend Mr. Appadurai Pillai has been pleading. These sections should therefore be retained.

" My hon. Friend was quoting from book after book. I heard it all, but I am inclined to think that they look as if that books were written only after seeing the activities in the Corporation of Madras. Sir, not now, for years together we have been attending to it. If they had seen what the cheris were like before, and what they are to-day, they would realize the magnitude of the work already accomplished by us. The Vasar Row cheri which was in a condition quite unfit for human habitation, now consists of a number of beautiful tenements occupied by the depressed classes for a nominal rent of Re. 0-8-0 or so. A similar dwelling outside the cheri could not be had for anything less than Rs. 5 per month. In the Varadarajapuram also the tenements are all very good. The Commissioner tells me that the rent is Rs. 1-8-0 and not annas eight as I said. But even then the rent is very cheap compared with that prevailing outside the cheris. Then there is the Bogipalaiyam where each tenement has got a kitchen, a hall, a bedroom, a latrine and an open space. For all this convenience, the rent charged is only Rs. 2 and Rs. 3. As the Commissioner said, it does not pay us even the interest on the capital. There are about 144 cheris in the City of Madras and to improve them all, in the opinion of our

Corporation, a sum of Rs. 2 crores would be required. We are depending upon the Government for this amount. Of course the Government can give us half the amount as loan and the other half as grant. If they give us the whole amount in a lump as a result of the influence of Mr. Appadurai Pillai, we will take it to-morrow. Otherwise we will have to struggle with the Government to get the money; for repaying the Government money and other loans if raised we will have to pay towards sinking fund and interest every month. Will the revenues of the Corporation suffice for all that? If the Government gives us half the amount as grant and the other half as loan we will be much obliged in that we could do a lot to relieve unemployment also.

"In this connexion I may say that the people who live in the streets of the city, make up the floating population and come here from the outskirts to earn wages by working in the new construction. Of course, even for them if a philanthropic gentleman can build a choultry, they would be obliged and the Corporation would be glad. Corporation too will try to accommodate and in the circumstances above-said, I request the hon. Mover to withdraw his motion though, of course, I know that he did not withdraw his motion yesterday when requested by me. He went to nine different districts as Collector and so had no opportunity to see the conditions in Madras at all. He never knew what improvements have been taking place in Madras and how the depressed classes are being helped by the Corporationu by their schemes for the improvement of cheris. This has been the policy of the Corporation ever since we entered it."

Mr. T. S. Ramaswami Ayyar:—"Sir, I find that there has been some misconceptions about the provisions of this section. I think that the hon. Mover as well as his seconder is feeling that this is an encroachment on the rights of private people. I may tell them that the need for this section has been a very longfelt one. If at all the City Municipal Act is going to effect any improvement in the city's amenities, this one section will do it. For a long time it has been felt that the growth of slums within the city limits was a great menace, but the Corporation was powerless to check it. The main reason was financial. It is not possible for even the Madras Corporation to undertake this huge task. The second reason was that even granting that the Corporation is prepared to improve the hutting grounds or cheris, it had no right to do so, because the hutting grounds or cheris very often belonged to private individuals. As they were private property, so long as they were kept in a sanitary and clean condition, it was not open to the Corporation to step in and effect any improvement. The history of the beginning of slums may perhaps throw some light on this subject. For some years now, owing to agricultural depression in the surrounding districts, the labourers have been flocking to the city of Madras. They come in here, get casual or sometimes even permanent work, but not accommodation to live. They just put up a hut on some land—a coconut tope or waste land—belonging to a private individual. A number of such huts then spring up in that place without any reference to the needs of a dwelling

1st February 1936] [Mr. T. S. Ramaswami Ayyar]

place. The owner for his part manages to get some good rent from these people squatting on a land which has not been of any use to him. In some cases the owner gets even higher rent for such huts than for big houses. He is therefore satisfied. But in cases where the rent is only annas eight or so, the owner does not provide any convenience for his tenant but leaves the latter to adjust himself as best as he can. No attempt is made to improve the sanitation and even a latrine is not provided for. My hon. Friend Mr. Srinivasan may remember that it is only a few days ago that he complained to me about the insanitary condition of a hutting ground and said that if the Corporation would not come in and provide a latrine, the people in that area would not pay their taxes to the Corporation.

"But the Corporation is helpless because it is a private man's land. That is why I said that so long as the owner gets his rent, he does not care about the sanitary conditions. If there is any rack-renting anywhere, it is only in these hutting grounds and the owner there gets very much more than the owner of big houses. The Corporation under the present Act has no power to compel the owner to lay out the hutting ground in any particular manner. Sometimes the Corporation is able to prosecute the owner of these grounds for keeping them in an insanitary condition. What is the result? Sometimes the owner pays a small fine imposed in the Magistrate's Court or if he finds it a nuisance to keep these people, he drives them out. After all, you are not going to solve the problem by prosecuting the owners. So far as the Corporation is concerned, it cannot spend any money because these hutting grounds do not belong to them. Evidently the mover of the amendment as well as its supporter are thinking of hutting grounds which belong to the poorer people, but they forget that most of the hutting grounds in Madras belong to private owners, where the owners have put up these huts. It is in order to improve the lot of these poorer people that this wholesome provision has been introduced. If you are going to delete this provision, certainly you are going to deprive these poor people of their right to live as human beings within the city. 12 noon.

"I was referring to one example of this difficulty which the Corporation has been feeling with regard to these hutting grounds and that is the case of the Parthasarathi Kuppam. It is a hutting ground where poor fishermen are living for a number of years. The hutting ground belongs to the temple. The trustees of the temple are not able to provide even ordinary amenities to the people living there. When the Corporation interfered and asked the trustees to improve it, they would not do it. After some time one of the trustees was agreeable, but the other was not. There was some difference of opinion between them and the result was that the Corporation was not able to do any work in that area. If cholera or any other epidemic broke out in this area, the Corporation had no power to help the people of that kuppam. Afterwards a scheme was drawn up for improving the Parthasarathi

[Mr. T. S. Ramaswami Ayyar] [1st February 1936

Kuppam and the Director of Town Planning helped the Corporation to lay out a scheme and the Corporation was able to provide for the necessary finances also. But how to carry it out? The trustees would not co-operate. The Corporation's money was in the bank. Nothing could be done because the trustees would not co-operate. What are you going to do under such conditions? Unless the Corporation is given powers to interfere in such cases, it will not be possible to help the poor people. It has been said that the Corporation of Madras themselves should do these things. As I said, how can they interfere with private owners' rights. If this power is not given, the Corporation will not be able to undertake big schemes. With the limited finances they have, they have been able to solve the problem of slum clearance here and there by erecting buildings and tenements, and my hon. Friend Mr. Natesa Mudaliyar has stated at length that the Corporation has built such tenements and are helping the poor people. That is only touching the fringe of the problem. The problem is a very huge and colossal problem. So unless power is given under the Act to interfere with in cases, you are not going to solve the problem and help the poorer class of people. Therefore, Sir, I feel that you will not be doing the right thing if you are going to delete this wholesome provision in the Act."

* Diwan Bahadur A. Appadurai Pillai :—" I want to say a few words by way of explanation. My intention is not that the Corporation should not be armed with such powers. I am very sorry if that impression has been created in the minds of some of my hon. Friends. My point is there is ample provision under sections 257-A and 257-B onwards to give such powers to the Corporation, and that they give very drastic powers to them."

* Rao Sahib V. I. Muniswami Pillai :—" Some of the previous speakers have dealt with this matter exhaustively and I do not wish to take up much of the time of the House. I would like to point out that the cheris in Madras are in a very bad condition and the necessity for improving the same has been impressed in the minds of hon. Members of this House on several occasions. If we delete a wholesome provision like this, I think the Legislature will be doing a very great harm to the community which seeks to get its grievances redressed. The public as well as Government have been affording certain facilities to the depressed classes to get education, but I find that educated people do not like to go and live in cheris due to the insanitary condition of the places. If this section is allowed as has been recommended by the Select Committee, I think it will go a great way to enable the Corporation to improve the slums and cheris. Of course the Commissioner has been telling us that there are proposals to improve the cheris by getting big loans from the Government and I think it is up to this Council to see that recommendations to that effect are made for getting such loans from the Government. When we go to districts and ask the authorities to improve the cheris there, they ask us 'What

1st February 1936] [Mr. V. I. Muniswami Pillai]

about the cheris in Madras?.' If the City of Madras, the metropolis of the Province, is not improved, where is the scope for improving the cheris in the districts? So I oppose this amendment. I know my hon. Friend Mr. Appadurai Pillai is not averse to the welfare of the depressed classes. I know him when he was a Collector and how kind he was to the poorer people especially the depressed classes. I do not really find what his object is in moving this amendment. After hearing the speeches made so far, I hope he will withdraw his amendment."

* Mr. C. BASU DEV:—" Sir, I rise to support the amendment of my hon. Friend Mr. Appadurai Pillai. In doing so, I do not wish to detain the House by repeating the arguments or adding to the well informed and exhaustive theoretical disquisition of the Hon. Mover. I would refer to one or two doubts of a practical nature that struck me in this connexion. We all agree that in the City of Madras the Corporation should do its best to make the lives of the poorer classes of people as happy as possible. I think the intention of the framers of this section, at least its effect, is to provide means by which the Corporation could effect this with the minimum trouble and expense to itself and the maximum worry to the residents. It is here that we disagree. I would like to point out that in 1921 an Act was passed by this Council by which protection was given to the city tenants who are persons who have either built or own superstructures upon other people's land before 1921. Since then many others have built huts or houses and they will not come under the Protection Act. If the Standing Committee should decide that a particular cheri or a hutting ground should be taken over, at once the owner of the land will drive away the tenants of those huts or buildings built in those cheries, and their position will then be miserable. I do not know if the owner takes action before the Commissioner gives notice or invokes the power under the provisions of this Act, to evict those people in the huts, his action will be outside the pale of this section. What would be the effect of this provision which is intended to make the poorer people of Madras better and happy? In my opinion if this provision is insisted upon the effect would be to drive out the poorer class of people from the heart of the city where they work to the outskirts of Madras thus forcing them to walk miles and miles to their place of business. I can understand a provision like this; if you introduce side by side with it a provision for the protection of these hut owners against eviction proceedings of the landlord. Without the existence of a provision for their protection, a provision like this would be wholly infructuous, and its only effect would be to drive the slum dwellers out of Madras. Again, Sir, take a case of a plot of land consisting of only two grounds of land on which there are a number of huts built in an irregular and insanitary manner. What would be the cost of effecting improvements on this plot? At a modest estimate it would come to at least Rs. 1,000. What will be the cost of the land and what is the rent which the owner at the present moment is getting therefrom?

[Mr. C. Basu Dev] [1st February 1936

" My hon. Friend Mr. Ramaswami Ayyar spoke about these landowners rack-renting the tenants and getting large sums by way of rent. But he has not told the House how much exactly the landowner gets by way of rent from one ground. Mr. Appadurai Pillai was correct when he said that the landowner did not get more than Rs. 12 or Rs. 13 per month. If for this small return the landowner is forced to make all these improvements costing no less than Rs. 1,000, I should like to know how he would meet this expenditure. What will be the return that he will get on his investment? I am afraid we will be practically making him spend more than what he would get by way of rent.

" Sir, I must however say here that I am not very much concerned with the owners of land. Being a socialist myself, I am more concerned with the tenants. Although I am indifferent or even sometimes hostile to these landowners, I must say that the net result of enforcing these provisions will be to compel these landlords who are to some extent sympathetic to drive their tenants bag and baggage from the heart of the city where they live and earn their living to the outskirts of the city. A better way will be for the Corporation to acquire the land required for the streets and provide the necessary amenities for the people. In 1921 when Mr. C. T. Alwar Chetti was elected for the Nungumbakkam division of the Corporation which consists of a number of cheris and hutting grounds, he somehow persuaded the Corporation authorities to put up electric lights in the streets of Halls Garden, Thousandlights and Mackays Garden. The technical objection that the Corporation did not own the land occupied by the streets in these localities was met by getting the owner of these cheris to transfer the land for a nominal value. The Corporation provided the residents of Madras from time to time with the amenities of electric lights, drains and roads. I do not see why a similar procedure should not now be adopted. I am sure the owners of these hutting grounds will always be prepared to transfer to the Corporation, even for a nominal value of Re. 1, the land occupied by the roads and streets. (Mr. T. S. Ramaswami Ayyar: 'Question.') Even if the owners are not so prepared, we may include a provision here by which we can force them to hand over such land to the Corporation. After all even though the land occupied by the streets may be technically under the ownership of the landlord he cannot prevent anybody from making use of the streets, for the simple reason that the public by long usage have acquired a prescriptive right to use those streets. Except for mere sentimental value, the owners do not enjoy any right whatsoever over those lands. Therefore I do not see why my hon. Friend Mr. Ramaswami Ayyar should question my statement and say that owners would refuse to hand over the land to the Corporation. The question is more imaginary than real. But if one or two stubborn individuals refuse to hand over the land to the Corporation, I think suitable provisions can be made even now in this Bill by which we can force them to hand over the streets to the Corporation. It appears to me that this will be a better way of making the necessary improvements to these hutting grounds and cheris.

1st February 1936] [Mr. C. Basu Dev]

All along the Corporation have been making improvements to the various localities at their own cost. They have not levied any extra lighting and drainage tax or betterment tax on the particular locality which has been so improved. They have only spent the money raised out of the taxes paid by the other rate-payers. Such being the case, why should the Corporation refuse to extend these benefits to the hutting grounds by taking over the land occupied by the streets? They can very well improve the localities by a very small expenditure of money.

"I do not want to detain the House longer. I should like to repeat what I said before that this provision by itself will force the owners to evict the tenants bag and baggage to the outskirts of Madras and that it will not be beneficial to the poor people. It will help only the richer classes, those who enjoy the luxuries of life and lead an easy and comfortable life and help them to drive the poor people out of the city so that the city may be made safe for them. This provision will certainly work great havoc on the poor classes. The Corporation must devise some means of retaining these sites and improving them so that the poor people may have some habitation near their place of business or avocation and not be forced to go to the outskirts of the city from where they will have to walk miles and miles with hungry stomachs both in the morning and in the evening."

* Diwan Bahadur A. APPADURAI PILLAI:—"Sir, I have listened to the speeches of the Commissioner of the Corporation and Mayor and I do not wish to press the motion. I do not want that the Corporation should always take over the lands of the private owners; but my object was to provide the Corporation with adequate powers to proceed against any private owner if it thinks it absolutely necessary. Sir, I do not wish to press my motion."

The motion was, by leave, withdrawn.

Section 257-L.

* Diwan Bahadur C. NATESA MUDALIYAR:—"Sir, I move the following amendment:—

'Add *the following words at the end of the proviso*:—

"*Such advance may be recovered in twenty annual instalments*".'

My amendment is a very simple one. In section 384 there is a provision by which the Commissioner may recover in twenty annual instalments any amount that he may spend on the improvement of any private land. In the same way, if the Corporation advances any sum to the owner of a cheri for the improvement of the cheri, the Commissioner should have the option of recovering the advance in twenty-four annual instalments. I request the Hon. the Chief Minister to introduce a similar provision in this section also."

[1st February 1936

* Mrs. K. ALAMELUMANGATHAYARAMMA then spoke in Tamil and the following is an English summary of the speech:—

"I second the amendment. What my hon. Friend Dr. Natesa Mudaliyar wants is that the poor people who are advanced money for the improvement of cheris or hutting grounds should have the facility of repaying the advance in twenty annual instalments. Sir, always poor people will find it difficult to find the necessary money. Already the dwellers in the cheri suffer a great deal for want of proper sanitary dwellings. The Corporation should do everything possible to improve their habitations. Therefore, if loans are advanced for the improvement of the cheris and the hutting grounds, the Corporation should only recover the advances in easy instalments spread over twenty-four years."

* Mr. R. MADANAGOPAL NAYUDU:—" Mr. President, Sir, it seems to me that this amendment is not necessary. The section says:

'Notwithstanding anything contained in section 384 . . .'

"What does section 384 say? It says that the improvement expenses shall be a charge on the premises for the benefit of which the same shall have been incurred and shall be recoverable in instalments in a period not exceeding twenty years. Twenty years is the maximum period, but the expenses may be recovered even in lesser number of years. But all that this proviso to section 257-L says is that the Corporation may order a portion of the improvement expenses to be met out of the municipal funds and a portion to be treated as a charge on the cheri or hutting ground. But I do not think it takes away the power of the Commissioner or the Corporation to apply section 384 as regards the method of recovering the amount due from the owner. The only thing that this proviso says is that a portion of the amount shall be charged on the cheri or hutting ground. Mr. Basu Dev said that the Corporation has not been meeting such improvement expenses. I wish to point out to him that the Act has specifically laid down that in cases in which the owner is too poor to afford to pay the improvement expenses the Corporation may pay the same out of the municipal funds."

Mr. C. BASU DEV:—" I never said that the Corporation has not been meeting the expenditure. I was only referring to the danger of eviction by the landlords."

Mr. R. MADANAGOPAL NAYUDU:—" The proviso says:

'. . . . if it appears to the standing committee that any such owner is unable by reason of poverty, to pay such expenses or any portion thereof, in the case of expenses relating to work which should, in the opinion of the standing committee have been done by the owners or occupiers of huts within the cheri or hutting ground, it may order the same or any portion thereof to be paid out of the municipal fund . . .'

1st February 1936] [R. Madanagopal Nayudu]

"Therefore I submit there are cases where it is contemplated that the whole of the improvement expenses might be met by the Corporation. Where only a portion is met by the Corporation and the other portion is advanced to the owner, all that this proviso says is that it shall be a charge on the cheri or hutting ground. As regards the method of recovery, section 384 will apply. There is no necessity to alter or add anything to this proviso."

* Diwan Bahadur C. NATESA MUDALIYAR:—"Sir, when the Commissioner makes some improvements to a private property, he has the power to recover the expenses in instalments not exceeding twenty in number. Section 384 will apply to such cases. But in this case the Corporation advances money to a private owner to make improvements to a cheri or hutting ground. Even in this case, the Commissioner should have the power to recover the advance in instalments not exceeding twenty in number. If the Hon. Minister gives an assurance that that is the intention of the Government, I will be satisfied. Anyhow I am going to withdraw my amendment. But I want an assurance that even in the case of advances made to private owners the recoveries will be lenient and will be spread over a period of twenty years."

* The Hon. the RAJA OF BOBBILI:—"Sir, I think, this amendment is unnecessary. It only says that such advances may be recovered in twenty annual instalments. Even now there is power in the hands of the Corporation to recover the amount in a period not exceeding twenty years. Section 257-L also provides that if special circumstances require it the Corporation may itself meet the whole or part of the expenses from out of the municipal funds. Simply because it is stated here that it will become a charge upon the cheri or hutting ground, it does not mean that the Corporation is prevented from recovering the amount in instalments. I think, Sir, the clause as it stands carries out the intention of the mover of the amendment Dr. Natesa Mudaliyar.

"As a matter of fact, a similar amendment was considered in the Select Committee and a provision of this nature was not considered necessary. I therefore feel that this amendment is unnecessary." 12-30 p.m.

* Diwan Bahadur C. NATESA MUDALIYAR:—"In view of the assurance given by the Hon. Minister, I withdraw the amendment."

The amendment was, by leave, withdrawn.

New section 257-X.

* Diwan Bahadur C. NATESA MUDALIYAR:—"I beg to move, Sir, the following amendment:—

'*In sub-section* (1) add *the following at the end*:—

"*The Commissioner, if in his opinion the removal is desirable, may direct the owner to do so subject to the provisions of the City Tenants' Protection Act*".'

This is a very important amendment. I request the Hon. Minister to consider it well. There is the City Tenants' Protection Act existing. The proprietor of an extensive land wanted that all the superstructures built upon the land should be removed within a certain time and wanted the land back to him. In Triplicane in a place where 300 or 400 big houses were existing for generations, the owner of the land wanted all the superstructures to be removed and the empty land given back to him, and also in Halls Gardens where cheris were existing. Then the City Tenants' Protection Act was introduced according to which if the owner asks the tenant to remove the superstructure, the tenant can turn round and say, I shall buy the land, give the land to me. The preamble in the City Tenants' Protection Act is this: 'Whereas it is necessary to give protection to tenants who in many parts of the City of Madras have constructed buildings on other's lands in the hope that they will not be evicted so long as they pay a fair rent for the land . . .' Section 9 of that Act says: 'Any tenant who is entitled to compensation under section 3 and against whom a suit in ejectment has been instituted or proceeding under section 41 of the Presidency Small Causes Courts Act, 1882, taken by the landlord may, within 15 days after the date of this Act coming into force or within 15 days after the service on him of summons, apply to the Court for an order that the landlord shall be directed to sell the land for a price to be fixed by the Court. Section 257-X (1) says: 'The owner of any land included in a cheri or hutting ground and bearing a separate number in the assessment-book may, at any time, whether a standard plan for the cheri or hutting ground has been prepared under this chapter or not, send notice to the Commissioner that he intends to remove all the buildings or huts standing on such land.' Here the Commissioner can have the house and other things removed. I request the Commissioner to say whether this provision will not clash with the provision in the City Tenants' Protection Act. That is all my request. Most probably this chapter has been taken from the Bombay Municipal Act where the City Tenants' Protection Act does not exist. My only request is that the Commissioner should not do anything contrary to the provisions of the City Tenants' Protection Act, that the provision in the City Municipal Act does not clash with that in the City Tenants' Protection Act, which was introduced into this Council some time back and passed with much satisfaction."

Mrs. K. Alamelumangathayaramma:—"I second it."

Mr. Basheer Ahmed Sayeed:—"Sir, I do not really see the significance of this amendment. The City Tenants' Protection Act exists there; it gives certain rights to occupants of land. Section 257-X only empowers the Commissioner to call upon the owner of land to do anything; or the owner of the land may notify that he is going to remove the houses or buildings that exist on the ground. The provision in the City Tenants' Protection Act is not relevant to this matter. If the owner wants to remove any house or building standing

on the land, he will have to conform to the City Tenants' Protection Act. He cannot go against the rights that have already accrued to the owner of the building on the land. Where does the Commissioner come in? If the Commissioner comes in, he cannot ignore the City Tenants' Protection Act at all. Certainly it should be done subject to the provisions of that Act and the Commissioner should see that the rights of parties which have already accrued, are not affected. The Commissioner cannot alter any rights that have accrued to the parties under that Act, nor can the owner of any land over which occupancy right has been acquired under the City Tenants' Protection Act, by a mere stroke of pen or notice to the Commissioner that he was going to remove the buildings or superstructures, affect in any manner the rights of owners of superstructures. I think that this amendment does not fit in at all with the section. Such an amendment would be found to be unnecessary because the Commissioner cannot take away the rights of parties under the City Tenants' Protection Act, whether it be the owner of the land or the owner of any building or superstructure. What is required is this; to take the land out of the category of cheris or hutting grounds. When he attempts to do so, he will keep an eye on the provisions of the City Tenants' Protection Act and on the rights which have accrued to the party who has constructed the superstructure or a hut over the land. I do not see the relevancy of this amendment. The City Tenants' Protection Act exists for the benefit of owners of buildings ; they will certainly have the benefit of that Act."

* Mr. R. Madanagopal Nayudu :—" Sir, I also feel that there is no necessity to have any reference to the City Tenants' Protection Act here in this section. The owner is given the right here of getting out of the operation of several clauses relating to cheris and hutting grounds. He can do it only where rights have not already been acquired in respect of superstructures under the City Tenants' Protection Act. Even in that Act also there is provision to the effect that the owner of the land should pay compensation to the owner of the superstructure. If he is prepared to pay compensation, he is entitled to have the land vacated. All that is necessary is the owner should give notice to the Commissioner that he is going to acquire the land. If he does so, he should act in conformity with the provisions of the City Tenants' Protection Act. There may be a number of cases where the City Tenants' Protection Act does not apply. I see that there is no necessity for making any special exemption in matters like this. I do not think that this new provision should be introduced to the effect that the Commissioner should draw the attention of the particular person to the existence of the City Tenants' Protection Act, and to the rights which the owners of houses have in respect of their houses under that Act. The owner of the land should pay due regard to it. When Mr. Natesa Mudaliyar moved a similar amendment in the Select Committee, it was pointed out to him that this was not necessary. There will be no difficulty with regard to the rights of owners of houses or to the rights acquired under the City Tenants' Protection Act."

* Diwan Bahadur C. NATESA MUDALIYAR:—"Sir, in the Select Committee I moved this amendment; they expressed certain opinions against it. I want an answer from the Hon. the Chief Minister, i.e., from the Government in the open Council so that people will be satisfied that this Act will not clash with the City Tenants' Protection Act. Mr. Madanagopal Nayudu stated that there may be cases which come under the provisions of the City Tenants' Protection Act; there may be others which will not come under that Act. I want to know whether the provision in the Act here will clash with the City Tenants' Protection Act. My own opinion is it will clash, because under sub-clause (3) the owner shall, within six months or such further time as the Commissioner may from time to time allow, remove all buildings or houses standing on such land. The Commissioner may order the removal of all buildings on the land. That is the difficulty. If the Government assure us that this provision will not clash with the City Tenants' Protection Act and that the provisions of that Act will be observed with all sanctity, I have no objection to withdraw the amendment. Two lawyers have expressed their opinion. But to a commonsense man like me, it appears that the provisions of both the Acts will clash."

* The Hon. the RAJA OF BOBBILI:—"Sir, I do not think a speech is required from me after so much discussion on this amendment. As I understand it, the City Tenants' Protection Act still remains and is not going to be abrogated as a result of having a provision of this sort in this Act. Even if the provisions of this chapter are to be put into operation, it will be subject to the City Tenants' Protection Act. When action is taken under this provision, I believe that these tenants will be entitled to compensation. I therefore think that an amendment of this kind is not at all called for."

Diwan Bahadur C. NATESA MUDALIYAR:—"I withdraw my amendment; I thank the Hon. the Chief Minister for his assurance."

The amendment was, by leave, withdrawn.

Clause 123-A as amended and clause 124 were put and carried.

New clause after clause 124.

2-45 p.m. Mr. T. SUNDARA RAO NAYUDU:—"Sir, the amendment that stands in my name is this:—

'*After clause* 124, *the following new clause shall be inserted, namely*:—

" 124-A. *In the heading of Chapter XI of the said Act, for the words 'Dangerous Buildings,' the words 'Dangerous Structures,' shall be substituted* ".'

"This amendment, Mr. President, has been necessitated by the amendment made to section 258 of the Act in which the word 'building' has been replaced by the word 'structure'."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

New clause 124-A was put and carried.

1st February 1936]

Clauses 125 *to* 137.

Clauses 125 to 137 were put and carried.

Clause 138.

Section 287.

Mr. T. SUNDARA RAO NAYUDU :—" I beg to move, Sir, thenemendment that stands in my name, viz. :—

'*For sub-section* (4) *of section* 287, *the following sub-section shall be substituted, namely* :—

" (4) *Every application for a licence for the use of any place for the purpose of storing or selling explosives, timber or other combustible materials shall contain a statement showing the boundaries and measurements of such place* ".'

Mr. President, Sir, sub-section (4) of the new section 287 takes the place of section 290 (2) which relates to the depots or places used for storage of timber, firewood, charcoal and other combustible materials. Section 287 (4) simply says 'or of storing or selling timber or other materials' which may mean other kinds of material, not necessarily combustible material of the nature of timber. Hence it is that I am proposing this amendment."

Mr. R. MADANAGOPAL NAYUDU seconded it.

The amendment was put and carried.

New section after section 289-D.

* Diwan Bahadur A. APPADURAI PILLAI :—" Mr. President, Sir, I beg to move the amendment standing in my name :—

'Add *a new section after section* 289-*D as follows* :—

" *Nothing in the foregoing sections shall apply to bona fide cottage industries carried on exclusively for the benefit of and by workers in their own homes* ".'

Sir, the object of my moving this amendment is that the provisions contained in sections 289, 289-A, 289-B, 289-C and 289-D regarding abatement of nuisance caused by steam-power, water-power or other mechanical power used in regular factories may not be put in force in respect of cottage industries carried on by workers in their own homes for their own benefit. Sir, poor people carry on small handicrafts in their own homes to earn a small income, for instance comb manufacture, and they will have sometimes to use such material as dead horns, bones, etc., and the carving of these may emit bad odour. In such cases, some of the subordinates of the Corporation will probably think that the use of such material causes inconvenience to the people in the neighbourhood and may place the workers under the restrictions contained in the above provisions. As I said, the intention of my amendment is to safeguard the interests of the cottage workers

who work on a small scale and get a pittance from out of their labour. If the intention underlying the amendment is acceptable to the House, I hope the amendment will be passed."

Mr. M. Devadasan:—"I second the amendment, Sir. It is admitted on all hands that cottage industries should be encouraged in all places, not only in the mufassal but also in the metropolis. If that is so, it is absolutely necessary that the amendment proposed by my friend should be accepted by this Hon. House. With these words, I second the motion."

* The Hon. the Raja of Bobbili:—"I am afraid I do not quite follow the object of the mover in bringing forward this amendment under this chapter. As I understand the position, these sections apply to factories as defined under the Act, and I am not sure whether cottage industries as described by my hon. Friend Diwan Bahadur Appadurai Pillai really come within the scope of these sections. I think we should give discretion to the Commissioner to require that rules, regulations and sanitary conditions are fulfilled even in the case of places where cottage industries are conducted. I personally feel that the amendment now proposed is not very relevant to these sections of the Act and have therefore to oppose it."

The amendment was, by leave, withdrawn.

Clause 138, as amended, was put and carried.

Clause 139.

Section 292.

* Rao Bahadur P. C. Muthu Chettiyar:—"Sir, I move—

'Omit *clause* (*c*) *of sub-clause* (i).'

[He spoke in Tamil and said that the maintenance of these public wash-houses was practically for the benefit of the poorer classes who could not afford to pay a tax for their use. Respectable persons, holy men, and persons having convenient quarters, would not resort to this place. Wayfarers, simple pilgrims, coolies who work hard in day time and intending to wash their clothes and body and other poorer classes of people only would resort to this place. This is one method of improving health. If a tax is levied and collected, what is the use? Is it to be let on contract or is previous permission to be got. Tax is only upon property; and on which property this tax is to be levied? I do not understand this. It would be magnanimous on the part of the Corporation to allow the free use of such wash-houses. If such free use was not allowed, he thought the very object for which these public wash-houses were to be maintained would be frustrated.]

Rao Sahib V. I. Muniswami Pillai seconded the amendment.

1 p.m. Mr. R. Madanagopal Nayudu:—"Mr. President, Sir, as a matter of fact there are a number of public fountains for bathing purposes and nobody is charged for using those places. But in the case of these

1st February 1936] [Mr. R. Madanagopal Nayudu]

dhobikhanas which are constructed at a special cost, I do not think hon. Members will allow people to wash their clothes without paying anything. The section only gives power to the Commissioner to charge certain fees, but I do not think the Corporation will be so unreasonable as to charge fees even when personal conveniences of people are concerned. As a matter of fact, as I have already stated, there are a number of public fountains for bathing purposes which are being very freely used by people. I therefore think there is no need for such a provision as this."

* Rao Bahadur P. C. MUTHU CHETTIYAR replying in Tamil said:—"My difficulty is only that there is no mention of dhobikhanas in the section. Even if a man washes his own cloth, he will be charged; and if you want to restrict it only to dhobikhanas, you will have to make the wording clear by introducing the word dhobikhana, so that bathing places should be quite distinct from dhobikhanas. Otherwise there will be difficulty in regard to the interpretation of the section as it is. That is only my object."

* The Hon. the PRESIDENT:—"The question is—

'Omit *clause (c) of sub-clause (i).*'"

The motion was put and lost.

* Rao Bahadur P. C. MUTHU CHETTIYAR:—"Mr. President, I move the amendment that stands in my name, namely:—

'*In sub-clause (ii), for the new sub-section* (4), *the following shall be substituted*:—

"(4) *In public wash-houses, the clothes of persons suffering from infectious diseases and of persons residing in the premises occupied by the persons suffering from such diseases shall be washed separately in a separate block set apart for the purpose and shall be washed by such methods as the Commissioner may lay down in that behalf*".'"

Speaking on the motion in Tamil, he said:—

"Sir, my object in moving this amendment is to see that the wording in the section is so altered as to make the meaning clear. We should particularly see that such wash-houses are not used by all people irrespective of whether they are suffering from infectious diseases or not. Provision should be made to see that those suffering from infectious diseases are made to wash their clothes in a separate place and that separate licences should be issued for these two places separately by two separate men. Licence should not be given to one washerman for those two places. With this object in view I move my motion."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second the motion, Sir."

RAJ KUMAR M. A. MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, I think it is a reasonable amendment. It only goes a step further than the amendment put by the Government in the original Bill and it is

[Mr. M. A. Muthiah Chettiyar] [1st February 1936

certainly necessary that separate blocks should be provided if the object is to be achieved. Otherwise, it will be difficult to check whether a man is washing in the common place or in a separate place, because a lot of supervising staff is necessary. I think it will be decidedly easy on the part of the Corporation authorities to have separate blocks put up. Especially when there are a number of places, it should not be difficult to allocate a few places for this purpose. I would ask the Commissioner of the Corporation to tell the House his experience and whether it would be practicable to adopt this suggestion."

Dr. P. Subbarayan :—" Mr. President, I would also like to support the motion moved by my hon. Friend Mr. Muthu Chettiyar. Especially after having heard the ex-Mayor, I think the Local Government should not find much difficulty in accepting this amendment, as it will make the work of the supervising staff of the Corporation easy."

* Mr. T. B. Russell :—" I am somewhat surprised that several hon. Members who have advocated freedom in administration for the Corporation should have supported this amendment. Its main result would be to lay an obligation upon the Commissioner to construct separate blocks and I am not very clear as to how Government could enforce that obligation in the last resort. The section as it stands gives him full power to provide separate blocks if he finds this necessary. I therefore oppose the amendment."

Mr. T. S. Ramaswami Ayyar :—" Mr. President, I do not think the objection of the hon. Member, the Secretary for the Local Self-Government Department, is one which would induce us to delete this amendment. The hon. the Mover has stated that there should be separate blocks for washing the clothes of persons suffering from infectious diseases. The main section says that they should be separately washed. The hon. Mover of the amendment merely states that not only should the clothes of these persons be separately washed, but that they should also be washed in separate blocks. The hon. Secretary to the Local Self-Government Department said that this would impose a statutory obligation on the Commissioner. I do not know if it is a correct interpretation of the section. Suppose the Commissioner sets apart separate blocks for washing clothes, still persons may come there and wash the clothes of persons suffering from infectious disease in the block which has be set apart for washing the clothes of other persons. Then, how are they to be proceeded against. It is not entirely an obligation on the Commissioner, but an obligation on the people who come there to use that place for washing their clothes. After all, why should there be an obligation on the Commissioner himself. If the hon. Member feels that it will be good in the interests of public health, why not he accept the amendment even if it involves an obligation on the Commissioner. As a matter of fact, there are several provisions in the Act which say that the Corporation shall provide this and that thing; and if the Corporation should provide for washing-houses, why not they have separate blocks for persons suffering from infectious diseases. I feel that the amendment is certainly one which is good from

1st February 1936] [Mr. T. S. Ramaswami Ayyar]

the sanitary and public health points of view. I therefore strongly support the amendment moved by my hon. Friend Mr. Muthu Chettiyar. Moreover, Sir, as the hon. Member has taken great pains in the matter of studying this new Bill and coming forward with his suggestions in the form of amendments, I think it would be a good gesture on the part of this Council if his amendment is accepted."

* Mrs. K. ALAMELUMANGATHAYARAMMAL supported the amendment in Tamil and the following is an English rendering of the same:—

"I think, Sir, even from the point of view of hygienic principles this amendment is necessary. I am of the opinion that persons suffering from infectious diseases should not be allowed to wash their clothes in places set apart for other persons, and if this is allowed infection will spread to other people also. Now that you are going to have so many wash-houses in the whole city, it will be a wholesome provision to have separate blocks for such people. I am glad that the hon. Mover has brought forward this amendment and am also glad that so many hon. Members have supported this very important amendment. I have also great pleasure in supporting this amendment."

* The Hon. the RAJA OF BOBBILI:—"Sir, I do not consider that there is any objection to this amendment. In cases where no such separate arrangement can be made what is to happen? Unless it is possible to give effect to the amendment there will be difficulty if we are bound statutorily. So I would suggest 'wherever such accommodation is available' will be the proper form for the amendment." 1-15 p.m.

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"As it is the amendment does not present the difficulty mentioned by the Hon. the Chief Minister. The amendment says, 'shall be washed separately in a separate block set apart.' If there is no separate block for the purpose it won't apply. So the wording covers the difficulty. If no separate block is provided there will be no difficulty."

Mr. D. M. REID:—"Separate block, if available, set apart for the purpose' will be the proper form that will meet the difficulty."

RAJ KUMAR M. A. MUTHIAH CHETTIYAR OF CHETTINAD:—"I move to insert the word 'wherever' after the word 'block' in the amendment of Mr. Muthu Chettiyar."

The motion was duly seconded.

The Hon. the RAJA OF BOBBILI:—"I am afraid, Sir, that the amendment is quite alright without the words 'set apart.' If you keep the words set apart, the danger is it casts an obligation on the Corporation to set apart."

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"The amendment as proposed by Mr. Muthu Chettiyar may stand. My point is that it must be obligatory on the part of the Corporation to set apart a separate block to wash clothes of persons affected by diseases.

After all the Corporation may not have more than ten or fifteen washing places. It must be therefore easy for the Corporation to set apart one or two tubs for the purpose. If it is stated 'wherever such are provided' separate washing facilities may not at all be provided by the Corporation. I consider therefore that the amendment should stand as moved by Mr. Muthu Chettiyar and not as amended."

* The Hon. the RAJA OF BOBBILI :—"I accept the amendment suggested by the Kumara Raja of Chettinad."

The amendment of Raj Kumar M. A. Muthiah Chettiyar of Chettinad was put and carried.

The amendment of Rao Bahadur P. C. Muthu Chettiyar as amended was put and carried.

Clause 139 as amended and clauses 140 to 149 were put and carried.

Clause 150.

Section 306.

* Rao Bahadur P. C. MUTHU CHETTIYAR :—"I move—

'Add *a new sub-clause* (*f*) *at the end of section* 306 *as follows* :—

"(*f*) *keep the mutton stalls away from the public gaze in model stalls devised by the Commissioner for the purpose.*" '

Speaking on the motion in Tamil, he said :—

"Wherever you go in the streets you find along the streets dead animals hanging. None should see such fierce sights. That is my opinion. In Western countries they hang figures of sheep or bull to indicate the kind of stall. Their interior stall-floors and walls are lined with glazed stones which are washed and kept clean. Here they are stinking and flies are always hovering over the dried blood and germs are formed. Being exposed along the streets birds carry them and throw the bones on the towers and sacred walls of temples and sacred places. The mere sight of them is a sin. Such things should be made impossible."

Mr. K. A. NACHIYAPPA GOUNDER :—"I second it."

* The Hon. the RAJA OF BOBBILI :—"I entirely agree with the idea. The difficulty seems to be how to give effect to it in all cases. I think it is really a matter for the Corporation to attend to and not to be embodied in a statute. I am sure the Corporation will consider the discussions on this amendment and carry out necessary proposals. I therefore appeal to my hon. Friend not to press his amendment."

The amendment was by leave withdrawn.

Clauses 150 and 151 were put and carried.

1st February 1936]

Clause 152.

Section 309.

* Mr. T. B. Russell:—"I move—

For sub-clause (1) (*i*), *the following sub-clause shall be substituted, namely*:—

"(*i*) *For the words 'flesh or fish intended for human food,' the following shall be substituted, namely*:—

'*flesh, fish or poultry intended for human food*—

(*a*) *in any place within the limits of the city, or*

(*b*) *in any place within three miles of such limits and not included in any municipality constituted under the Madras District Municipalities Act,* 1920.'"

"The second part of the amendment restricts the power to such places as are not governed by the District Municipalities Act as without this restriction the Council could take action within the limits of Saidapet and this would lead to a conflict of jurisdiction with that municipality. The question of amending the District Municipalities Act suitably is under consideration."

Mr. R. Madanagopal Nayudu:—"I second it."

The amendment was put and carried.

Clause 152 as amended and clauses 153, 154 and 155 were then put and carried.

Clause 156.

Section 316.

* Mr. T. B. Russell:—"Sir, I beg to move the amendment standing in my name, viz.:—

'*For clause* 156, *the following clause shall be substituted, namely*:—

"156. *In sub-section* (1) *of section* 316 *of the said Act*—

(*i*) *after the words 'or other article of food,' the words 'or any utensil or vessel' shall be inserted; and*

(*ii*) *the words 'in such manner as to prevent its being used for human food or exposed for sale' shall be omitted.*"'

"That is purely a verbal alteration including the omission of some superfluous words."

Mr. R. Madanagopal Nayudu:—"I second it."

The amendment was put and carried.

Clause 156 as amended and clauses 157 to 159-A and 160 to 168 were then put and carried.

* The Hon. the President:—"The House will now adjourn and meet again at 11 a.m. on Monday next."

D. K. V. RAGHAVA VARMA,
Acting Secretary to the Legislative Council.

Appendix I.

[Vide answer to question No. 688 asked by Diwan Bahadur R. Srinivasan at the meeting of the Legislative Council held on the 1st February 1936, page 341 supra.]

Copy of post mortem certificate regarding the body of a male, aged about 40 years, named Nannu alias Munian, requisition received on 19th September 1935, at 11-30 a.m. from the Deputy Superintendent of Police, St. Thomas' Mount, with his letter, dated 18th September 1935. Body in charge of H.C. No. 522.

The body was first seen by the undersigned at 3 p.m. on 19th September 1935. Its condition then was cold. Rigor-mortis passed off. Decomposition proceeding.

Post mortem commenced at 3 p.m. on 19th September 1935.

Appearances found at the post mortem—

(1) Right half of upper and lower lips bruised.

(2) A contusion of 1½ inches across 5½ inches below the knee-joint and on skin.

(3) The contusion of the size of a pie over right cheek base.

(4) Small superficial abrasion behind the right elbow and left shoulder.

(5) A broad abraded mark 1⅛ inches across, not furrowed, starts abruptly from below the right mastoid, runs obliquely forwards, downwards and across the thyroid cartilage, passes to left upwards and ends ¾ inch behind left mastoid. It is faint over the thyroid cartilege and a bit narrow ¾ inch at the left mastoid. Not parchmentized, not leathery, except in one spot just below left mastoid. No bruising of tissues beneath or dilation of vessels.

(6) Stains of dried clay over the posterior part of the first interphalangeal joints of right middle and ring fingers.

(7) Heart—Right side empty. Left auricle contained two drams of dark fluid blood. Left ventrical half a dram of dark fluid blood. Heart soft, flabby and decomposed.

(8) Lungs—Large areas of hæmorrhage in lower lobes of both the lungs. Upper lobes dry, not conjested. Bronchial tubes and lower part of trachea contained blood-stained froth. Larynx upper part of trachea pale. Not conjested.

(9) Liver, spleen, kidneys, all not conjested. Brain pial vessel in front portion a little dilated. Eye-balls soft and flaccid. Conjunctrea pale. Pupils contracted and equal.

(10) Stomach—Six ounces of undigested rice and greenish sauce-like material.

(11) Bladder empty.

1st February 1936]

(12) Intestine—Nil abnormal.

(13) A bruising under the skin of prepuce. Trail of saliva down the centre of the chest.

Viscera preserved for chemical examination.

Opinion reserved pending the receipt of the report from the Chemical Examiner.

Copy of Chemical Examiner's report.

On the viscera of the deceased Nannu alias Munian of Maduravoyal.

The following articles were received on 23rd ultimo through attendant Thiruvengadaswami under unbroken seals which correspond with the sample sent, viz. :—

(1) A bottle labelled "stomach and contents of Nannu alias Munian" and containing a decomposed stomach in a brown turbid liquid with sediment of boiled rice.

(2) A bottle labelled "Small intestines and contents of Nannu alias Munian" and containing a piece of decomposed small intestines in a brown turbid liquid.

(3) A bottle labelled "Liver and kidney of Nannu alias Munian" and containing pieces of decomposed liver and decomposed kidney in a dark brown turbid liquid.

(4) A bottle containing a sample of the spirit said to have been used in preserving the above visceral matters.

We examined the above articles and we obtained from the stomach and contents I, reactions indicating the probable presence of Oleander. We did not obtain the above reaction from the sample of spirit IV. We did not detect arsenic or mercury in the visceral matters and they were not suitable for further examination.

Opinion of the Professor of Medical Jurisprudence, Medical College, Madras.

If the presence of Oleander in the stomach is not responsible for the death of Nannu alias Munian as could be excluded from the history of poisoning symptoms, the appearances are not inconsistent with death from hanging and that the hæmorrhage in the lungs might be explained by manhandling.

[1st February 1936

APPENDIX II.

[Vide answer to question No. 689 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 1st February 1936, at page 341 supra.]

(1)

G.O. Ms. No. 677, Public (Police), dated 14th December 1935.

READ—the following paper:—

G.O. No. 629, Public (Police), dated 14th December 1934.

Order—No. 677, *Public (Police), dated* 14*th December* 1935.

The Government direct that the additional police force of one Sub-Inspector and seven constables stationed in the Attayampatti village, Salem district under G.O. No. 629, Public (Police), dated the 14th December 1934 be withdrawn with effect from the 1st January 1936. The District Magistrate of Salem is requested to make it perfectly clear to the inhabitants of that village that if there be any recrudescence of the trouble additional police will be reimposed and the cost recovered from them under section 15 of the Indian Police Act (V of 1861).

(By order of the Governor in Council)

C. F. BRACKENBURY,
Chief Secretary.

To the Inspector-General of Police, with reference to his R.C. No. 2016-1/35, Audit, dated the 3rd December 1935.

,, District Magistrate of Salem.

,, Accountant-General.

(2)

Report of the District Magistrate, Salem, R.O.C. *No.* 4573-*M*/34-*D*-1, *dated the* 22*nd November* 1935.

I agree that the punitive police may be withdrawn with effect from the 1st January 1936. The stationing of the police in the village for the last three years and the payment of punitive tax at a time of economic depression has, I think, driven home the lesson to the villagers that disorder in the village does not pay.